LIEUT. COLONEL

J. LILBURN

TRYED and CAST:

OR,

His Caſe and Craft diſcovered.

Wherein is ſhewed the Grounds and Reaſons of the Parliaments proceeding, in paſſing the Act of Baniſhment againſt him, and wherefore ſince his coming over hee hath been committed to the Tower by the PARLIAMENT.

Here likewiſe is laid open the partiall, corrupt, and illegall Verdicts of his JURIES, both the former and later.

Being to ſatisfie all thoſe in the Nation that are truly godly, and wel-affected to the Peace of the Common-wealth: And to ſtop the Mouths of others; proving, what is done in order to his preſent Impriſonment, is according to the rules of Juſtice and Equity contained in the morall Law of God, and nature, or ſound naturall Reaſon.

Publiſhed by AUTHORITY.

Job 15. 6. *Thine owne mouth condemneth thee, and not I, yea thine owne lips teſtifie againſt thee.*

Deut. 19. 19. *Yee ſhall doe unto him, as he thought to have done unto his brother.*

LONDON,
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TO

All our Countrey-men and Friends throughout the Common-wealth of

ENGLAND,

PEACE and TRUTH be wiſhed every where.

AS this Treatiſe is for a generall ſatiſfaction of the Nation: ſo wee have forborn all particular *Dedications*, that it may *without reſpect of perſons*, finde acceptance alike with all men. Wee have little farther to ſay, then

what is contained in the Booke, only deſire that the ſame may be read over with judgment: We have purpoſely left out our names, that the Reader may not wrong himſelf either through prejudice or partiality, but look ſingly on the matter as it lies before him.

It is poſſible ſome may thinke there was no neede that ſo much ſhould have been written, as in reference to a particular perſon, but leſſe a great deale would have ſerv'd the turn.

To which we anſwer, 1. It is well known, that many honeſt minded people, in regard of the ſeverall Pamphlets, which M. *Lilburn* hath ſpread abroad, have been very much abuſed and miſlead by him, inſomuch that without a large and clear diſcovery of his particular Crafts and deceits, we

doubted

doubted whether ſuch perſons would have real and full ſatisfaction.

2 Becauſe we find Mr. *Lilb.* boaſting oftentimes of his *quick & ſharp pen* wee have thought good to make one work of it; that is, to prevent his future Anſwer and Replies, in doing ſo much at once, as not to be troubled any more with him, but to ſtopp his mouth, and put him quite to ſilence.

3 The man hath been ſo long a diſturber of the peace of the Commonwealth, and acted ſuch a multitude of ſeditious deſigns, as we could not in a little, give the Nation a juſt account thereof.

4 As our deſire is, that thoſe who are in Authority may go ſpeedily forward with the work of Reformation, ſo we conceive there being here full ſa-

tisfa-

tisfaction given to the people of this Common-wealth, a ſtumbling-block will be removed, which he by his ſubtlety and craft had caſt in their way.

But ſome may ſay, you have ſpoken too much in the juſtification of bad men: For anſwer: Here we can appeale to God, how farre we have been from pleading either for perſons or things otherwiſe then what conſcience, reaſon and juſtice hath guided us thereunto. It is chiefly the peace and ſafety of the Nation that wee have ſought after: And for this Nationall peace wee are willing to ſpend, and to be ſpent, and ſhall think our ſelves ſufficiently rewarded, if by the publiſhing of this Treatiſe wee may undeceive ſuch people, whom by his wiles and falſhoods hee hath formerly deceiv'd,

and

and that hee may no more draw parties and factions after him.

For concluſion; As in the publiſhing of this Book, we deſire a generall good, ſo in particular Mr. *Lilburn*. That he may ſee the error and evill of his ways. No doubt it would be much for the peace and comfort of his ſoule another day: If this counſell of ours were followed, namely as hee hath given occaſion of publick ſcandal to the world, by his ſeditious and mutinous carriages, ſo to make publick acknowledgment thereof.

Howſoever, it ſhall be our deſire: As perſons looking into a glaſſe, doe thereby amend what they ſee to be amiſſe; ſo this may ſerve as Mr. *Lilburns* LOOKING-GLASSE, wherein he may not only

ly see those foul and grosse faults, which are as perspicuous and manifest, as the Leprosie on *Gehazi's* fore-head; but may under the sense and sight of them, truly repent, & seek unto the Lord, that in the blood of Christ they may be washt away.

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Here the Reader is desired to take the Marginall notes along with him.

What the Jury fitly may be call'd, and why, p. 156

The Examination of the Jurie taken before the Councell of State, 157.

Thomas Green, *fore-man; why chosen by* Lilburn? *why foreman?* p. 157.

He will not answer for Reasons best known to himself, p. 158.

Michael Rayner; *he confesseth they had a meeting all together at the Windmil* Tavern *in* Coleman street, *to agree together, what answer to give the Councel,* p. 159

How he and the rest of the Jury took themselves to be Judges of matter of Law, as well as matter of fact, ibid.

Thomas Tunman, *a Salter: this man, though he sels salt, yet his words were not soasoned with salt, witness his lying against knowledg and conscience; in being ask'd whether they did not meete that morning at the Windmill* Tavern, *he positively answered they did not,* p. 159, 160.

Immanuel Hunt, he was not satisfied that the prisoner was *John Lilburn* indicted of felony; About their meeting at Tavern that morning: First denies it, afterward confesseth it, p. 160.

James

The Contents.

James Stevens confeſſeth the Councell and Bench told the Jurie they were onely Judges of the Fact: But this they regarded not, *p.* 161.

Richard Tomlins tels the Councell, 'tis one thing what he can ſay, and another thing to accuſe himſelf, *ibid.*

He is not bound (he ſaith) to give any account of what he did in the buſineſs, but to God himſelfe, *p.* 162

Will: Hitchcock is reſolv'd not to give any anſwer of their Action, *ibid.*

He ſays and unſays, and contradicts himſelf moſt groſly, *p.* 162, 163.

Thomas Everſhot, though he pretends he was ſatisfied in his conſcience in what he did; yet ſuch was his conſcience, as hee can lye againſt his knowledg, *p.* 163.

Tho: Smith refuſeth to give any Anſwer, *ibid.*

Gilbert Gain, though hee did differ from the rest, yet at laſt yeelds to them for company, *p.* 164

Griffith Owen was not ſatisfied, that the Priſoner was *John Lilb.* *p.* 164.

The Authors opinion concerning the downfall of Juries, *ibid.*

Lilburn

LILBURN Tryed and Cast:

OR

His Case and Craft discovered.

WHEREIN

Is shewed the Grounds and Reasons of the *Parliament*, in passing the Act of Banishment against him, and wherefore, since his coming over he hath been committed to the Tower by the *Parliament*.

Here likewise is laid open the partial, corrupt, and illegal Verdict of his *Jury*, both the former and later.

Beeing to satisfie all those in the Nation that are truly godly, and well-affected to the Peace of the Common-wealth: *And to stop the mouthes of others. Proving what is don in order to his present imprisonment, is according to the Rules of Justice and Equitie*, &c.

THe [a] two hundred men, which went with *Absalom* from *Jerusalem* to *Hebron*, in their simplicitie, and knew not any thing: had they clearly understood the real [b] plot and stratagem of him, wch was to make himselfe King, and depose his Father, they would not have followed

[a] 2Sam.15.12

[b] As all vices use to cloth themselves with the habits of virtues, that under those liveries they may get countenance in the world,

so under the name of Libertie & crying outagainſt Tyranny, many unawares are brought into a ſnare.

lowed him in ſo horrid and wicked an Action. In the undertaking of this worke, we ſhall endeavour to undeceive ſuch people (*virtutem qui verba putant, ut lucum ligna*, as *Horace* ſpeaketh,) who through ignorance and miſtake of things, are ready to comply with Mr. *Lilburn*, and others, in their ſeditious wayes and wiles againſt the peace and ſafetie of this Common-wealth. As for others, who are wilfull and malicious, profeſſed enemies to the State, and of his minde who ſaid, [c] *Though you doe convince me, yet I will not be convinced:* we ſhall (nevertheleſſe) by this, leave them without excuſe, to the righteous judgement of God in the great day of Chriſt.

[c] *Non perſuade bis, etiamſi perſuaſeris.*

The ſearcher of all hearts knows, it is not Mr. *Lilburns* bloud, or any hurt unto him in the leaſt that is here aymed at, we have better learned [d] Chriſt, even [e] *to doe to others as we would be don unto:* but to prevent the miſery and miſchief, which otherwiſe, partly through the moſt effectuall deluſions, and deep deceits of ſome, and partly through the ignorance and miſunderſtanding of others, might poſſibly (by keeping ſilence) fall ſuddenly upon the Nation.

[d] Mar. 7. 12.

[e] *Quod tibi vis fieri, hoc facias & alteri.*

[f] *Initio ſeditionum, quamprimum apparuerint comprimantur.* Cic. Templ. polit. lib. 4. c. 7. p. 424.

[g] *Contra vim atq; injuriam licitam eſſe defenſionem.* L: ut vim de Juſt. & jur. l. ſcientiam ſect. quicum ad L. Aquil.

[h] *Publicam uti-*

It cannot be denyed, but that it ſtands with the Rules of Juſtice and Equitie, contained in the moral law of God and Nature, or ſound naturall Reaſon, and with the Law of all Nations: that mutinous and ſeditious courſes ſhould be prevented and hindred, *yea and* [f] *timely too; whilſt they are in the neſt, hatching like the Cockatrice Egges* [g]. *Againſt force and wrong defence is lawfull*, ſaith the Law: and [h] *the publick good is to be preferred before particular profit.* Upon thoſe conſiderations and grounds, namely, that

that the Nation may be no more involud in warre, Tyranny in Church and State re-eſtabliſhed, our liberties bought with a ſea of bloud and millions of treaſure loſt againe: but the great worke of Chriſt glorioufly goe forward in the world; we ſhall now (not following Mr. *Lilburn* in his [i] rayling and raging language, but) in the words of ſobrietie and truth, ſtate the true caſe of his ſufferings, and how in ſeeking himſelfe, and to carry on his own Intereſt, he hath all along endeavoured to diſquiet the Nation, and to make commotions and diviſions in our Councels, Armie, and every where.

It is uſually given forth by Mr. *Lilburn*, and his friends, and ſo underſtood of many, as if the [k] cauſe of his Baniſhment ſhould be of a difference ariſing between Sir *Arthur Haſlerigge* and him, and ſome words which he ſhould ſpeake againſt Sir *Arthur*: but how untrue this is, and ungroundedly taken up, will evidently appeare by the following diſcourſe.

Firſt the Reader is deſired, to take notice, how one Mr. *Primate* Citizen and Letherſeller of *London*, made claime unto three parts in foure, to be divided of all the Cole-mines in *Harraton*, in the Countie of *Durham*: by virtue of a pretended Leaſe made by Sir *John Hedworth*, Knight: The which moitie *Primate* afterward demiſed to *George Lilburn* and *George Grey* Junior, Eſquires, &c. Now to the end they might the better carry on their covetous deſigne, and enrich themſelves by deceiving the Common-wealth of 3000*l*. *Per Ann.* they take along with them Liev: *Collonel John Lilburn* and ſome others, perſons proper for the worke, and moſt fit

litatem privatorum commodis præferendam. Authen: Res quia C. commu: de legat. l.

[i] As Cocks fed with Garlick overcome others, with rankneſſe of breath, not with ſtrength of body, ſo his victory by the pen, is by defamations and rayling at mens perſons: Sober men not being willing to come neer the rankneſſe of his breath.

[k] Thus he ſpeakes, and writes & hath publiſhed to the world: Now the Civil Law ſaith, *It is unreaſonable for any man, not having weighed the whole cauſe, to give adviſe or judgement, ſome one part alone propoſed.* Civile dig. 4. de leg: Senatuſq; Conſult.

fit to advance both their owne and the others Intereſt. For as the Cauſe was deſperate and deceitfull, ſo it was neceſſary it ſhould be mannaged by ſuch [k] inſtruments as would be reſolute & reſtleſſe, and with violence and impudence, breake through all oppoſitions, in ſpight of right or reaſon.

[k] *Ambitioſi a liquot homines qui privatim degeneris, in publicum exitioſi nihil ſpei niſi per diſcordias habent.* Lipſius polit. l. 6. c. 4. p. 266.

How theſe conſpired together, to rob the State of ſo much treaſure, will appeare by ſetting downe the true ſtate of that Caſe concerning *Harraton* Collierie, and the Common-wealths Intereſt in it.

Upon the ſixth day of *Auguſt*, 1649. *Thomas Wray* of *Beaniſh* in the Countie of *Durham* Eſquire, complained to the Committee of *Durham*, that *George Lilburn* and *George Grey*, two of the Committee,[l] had poſſeſſed themſelves, of his Collieries and ſeverall houſes thereunto belonging in *Harraton*, which were ſequeſtred for his Recuſancy and Delinquency, and had raiſed great ſummes of money out of the ſame, and converted it to their own uſes, to the great loſſe and prejudice of the Common-wealth. And upon Examination of Witneſſes upon [m] oath it appeared, that in the yeare 1644. Sir *William Armyne* and the reſt of the Parliament Commiſſioners, ſequeſtred that Colliery then in the ſole poſſeſſion of Mr. *Wray*, and ſold a thouſand pounds worth of Coales that were upon the Staythes. And further, that in the yeare 1645. the Committee there upon the Petition of Miſtris *Wray*, wife to the ſayd *Thomas Wrey*, granted an order (Mr. *Lilburn*, and Mr. *Greys* hands being at the ſaid Order) for letting that Collierie to one Mr. *Pearſon*, for paying of Mr. *Wreyes* Creditors, and that *Pearſon* was to give an

[l] All is fiſh that comes to the net.

[m] Here Maſter *John Lilburn* hath a Marginal note in his booke, Entituled, *A juſt Reproof to Haberdaſhers Hal*, pag. 9. And ſaith, *But I am ſure their depoſitions are no where to be found.* But we are ſure he knows better, how Mr. *William Roe* prov'd it fully.

an accompt thereof to the Committee, and accordingly [n] entred into the ſaid Colliery: And it appears that the ſaid Collierie continued ſtil to be wrought by Mr. *Wrayes* Agents, and for his uſe till *June*, in the yeare 1647.

[n] This ſaith Mr *John Lilb.* *is the groſſeſt untruth that can be told, for* Pearſon *never tooke the ſaid Collierie.* But it is a groſſer untruth to deny it, ſeeing the thing is ſo certain and clearly proved.

About *Aprill* in the yeare 1647. Mr. *Lilburn* and Mr. *Gray* deſired a meeting with Mr. *Wray* about buying out his Eſtate in the Collierie: Now at this meeting Mr. *VVray* told them, they knew his Collierie was worth about 3000 *l. per annum*, & that he was out in monies for that Collierie at leaſt 16000 *l.* yet hee was content to ſell them his whole eſtate in it, (in reſpect of the preſent condition he was then in) for 5000 *l.* yet ſo, as hee would have a thouſand laid downe for his owne uſe, and one thouſand more to ſtop the clamours of his Creditors, and that he would take further time to conſider of days of payment, for the other three thouſand pounds.

Moreover it was proved, that Mr. *Lilburn* did then ſay, they would not differ [o] for the payment of the firſt 2000 *l.* And Mr. *VVrey* and he having reviewed his Evidences, Mr. *Lilburn* profeſſed he did not thinke that Mr. *Gray* could have produced ſo cleare a title for 7. parts of 8. in that Colliery, but for the eighth part hee was not ſo fully ſatisfied: Whereupon Mr. *VVray* then told him, that one *Comadale* pretended a title to that eighth part; but he conceived, that he had ſufficient to prove the right in that part to belong likewiſe to him; but howſoever he was ſure (and ſo much he told Mr. *Lilburn*) that *Comadale* would part with his intereſt upon very eaſie terms. Now no ſooner was Mr. *Lilburn* departed

[o] In this mans attempting to get the Collierie is made good. *Ubi avaritia eſt, habitant ferme omnia ibidem flagitia, impietas, perjuria furtes, rapinæ fraudes, atque doli inſidiæque proditiones, jurgia & infandæ cades.*

parted from that place, but he met with one Maſter *Swain*, to whom he imparted the former conference, and that he was agreed with Mr. *Vvrey* for the ſaid Collierie.

After this there was another day appointed for the payment of the 3000 *l.* but by reaſon of the great rain which fell, and the rivers riſing ſo high, they were hindered of meeting at that time. Immediately thereupon, or very ſhortly after, Maſter *Lilburn* and Mr. *Gray* went both to *London*, and made ſome [p] agreement with the ſaid *Comadale*, for the eighth part as they pretended, but nothing was ſhewed to make it good: And coming downe in *June* following, they [q] entred into, and poſſeſſed themſelves of the whole Collierie, and it hath been wrought by them ever ſince to their uſe and benefit.

[p] *Quisquis ditatur rapidos miluos imitatur.*

[q] *Callenuceus* tels us of a noble man of *Naples* that was wont prophanely to ſay, he had two ſoules in his bodie, one for God, and another for whoſoever would buy it. Theſe men by their practice, ſeem'd to be of his opinion, they will venture the loſſe of one ſoule come what may come, to enrich themſelves and deceive the State.

Now for as much as it plainly appeared unto the Committee, that the Collierie was ſequeſtred by Sir *William Armine* in the yeare 1644. and had been ſolely in the poſſeſſion of Mr. *Wray*, and his Agents three years before, and that it was let by the Committee of *Sequeſtrations*, in the yeare 1645. and no man had claimed any right or intereſt in it, untill Mr. *George Lilburn* and Mr. *George Gray*, two of the Committee poſſeſſed themſelves of it: And that there had been no order made either by the Lords and Commons for *Sequeſtrations*, nor the Committee there; nor that there had been any authority for the diſpoſſeſſing the ſtate of their Intereſt, and that Mr. *Wray* a Recuſant and Dilinquent, was uncapable of compoſition: the Committee ordered *Auguſt* 13. 1649. *That the ſequeſtration ſhould be continued*

nned upon the ſaid Collierie, for the uſe of the State, and that all thoſe who have had any uſe or profit of the ſaid Collierie, ſince the ſame was ſequeſtred; ſhould forthwith make[1] *their accounts, &c.*

Upon the making of this Order, Mr. *George Lilburn* ſitting at the Committee (and being one of the Committee) immediately deſired a moneths time to make his title good; the which being granted, he went thereupon to *London*, and by the day appointed, brought with him one Mr. *Levit*, and Mr. *Joſiah Primate*, who being required by the Committee to make good their Title (they and their Councel being put upon it to ſhew what title they had to the ſaid Collierie) affirmed by their Councell that Mr. *Wray* had gotten their Evidences, and would have had the Committee to have compelled him to have produced his title. But the Committee replied, the matter was of very great concernment to the Common-wealth (the Collierie being worth 3000 *l. per annum*) and that Mr. *Lilburn* had made of it, after he had put the State out of poſſeſſion, at leaſt 15 *l. per diem*, for a year together, as they were informed by thoſe that knew it well: And therefore durſt not be ſo falſe to their truſt, as when the State had been in poſſeſſion above three yeares, to produce Evidences to diveſt the State: Beſides, what they deſired was ſuch a thing as was never heard or granted in any Court, that a Plaintiff which ſued for a poſſeſſion of land, ſhould deſire the Defendant to make him a Title to out himſelfe. Therefore if Mr. *Wray* had gotten their Evidences into his hands, their way was plaine, to exhibite *a Bill in Chancery*, and there they might compell

[1] They write of the *Partridg.* that ſhe will ſteale the eggs of other Birds, and the young ſhe never hatched; but ſoon after the true mother cals them away from the theeviſh Stepdame, & they all (being flag and can fly) leave her mourning, and calling, when they are gone. Thus ſhe that had many running after her for a time, by & by hath none at all. Here the proverb is true, *All covetous, all loſe.*

compell him to produce his Evidences in a legall way.

For conclusion, whereas it did not appear to the Committee, that either Mr. *Lilburn*, Mr. *Levit*, or Mr. *Josiah Primate* would, or then could produce any Evidence in the least, to overthrow or weaken Mr. *Wrayes* Title (he being then present, and holding his Evidence in his hand, ready to make it good) but that the right of the whole Collierie was clearly in him: They confirmed their former Order (as in point of law & conscience they could do no lesse) and afterward let the Collierie for the benefit and use of the Common-wealth; and desired that Mr. *Lilburn* and Mr. *Grey* might be called to accompt for the profits of the said *Collierie*, they being assured that great summs [f] of money were in their hands, due to the publick, they never having paid a penny.

Thus wee have most faithfully stated the case. The Law saith *Proffes* [t] *ought to be clearer then the noon day*. What we have here asserted, is not upon [u] *single testimonie*, or [x] *Witnesses speaking upon heare say*, or what men have thought and imagined, but what many persons, and upon oath, have largely and clearly testified.

Moreover, we finde by a Copie of a Petition, attested by Mr. *Vaughan*, exhibited to the Lords and Commons for Sequestration, by Capt *Franc: Swain* on the behalfe of himselfe and others, the Creditors of the said *Thomas Wray*, that the said *Wray*, was legally possessed, for many yeares yet to come, under several Grants, from Sir *John Hedworth* deceased, of the Collierie of *Harraton*, charged by the said Sir

John

[f] Were not these faithfull men to the State all the while, and fit to be of the Committe for *Sequestration*, that they would take into their possession a thing which they knew was sequestred before; and that the Commonwealth had an interest in it; honest men being as they were, employ'd by the State, would have been ashamed to have medled with that *Collierie*.

[t] *Probationes debent esse luce clariores l. scant.*

[u] *Testes singulares non probant.*

[x] *Testes deponens de auditu non probat. Testes debet deponere per Corporis sensum, & non judicium intellectus. l. Test. c. & l. qui Testem. Sect. Am. A. de Test.*

John Hedworth with 2000 l. debts, which Mr. *Wray* was to pay, and had the Collierie conveyed to him to that purpoſe.

But what for the diſcharge of thoſe debts (*Wray* being conſtrained to borrow money of other men) and the times then being troubleſome he loſt the uſe of the Colliery: beſides being a* Papiſt, he knew if he ſhould win and worke the ſame, the Coals would be Sequeſtred. Whereupon he treated with Mr. *Lilburn* and Mr. *Grey*, two of the Committee, who had a great y deſire to to the *Collierie*, and by cunning deviſes ſought to defeat both *Wray* and the Common-wealth thereof: As the event ſhewed it to the full. But to proceed, upon Treatie they agreed to give Mr. *Wray* about 5000 *l.* though it was worth 16000 *l.* But it ſeemes this was onely pretended, and no way meant, for preſently they compounded with one *Commondale*, who had but ſome ſmall part thereof (and that very queſtionable) nevertheleſſe, upon pretence of that little, they boldly entred into the whole, and poſſeſſed the ſame, and ſo through fraud and deceit, defeated both the Common-wealth and the Creditors of their juſt right and due: Wherefore they humbly prayed that both Mr. *Lilburn* and Mr. *Grey* might be warned to appeare and anſwer, &c.

It is ſaid of z *Praxitelles* the Painter that he made the ſilly people worſhip the Image of his Strumpet, under the title and pretence of *Venus*. There are ſeverall Pamphlets publiſhed under the name of *John Lilburn*, concerning the Colliery in *Harraton*, wherein we may ſee for all the world, the like practice, even fraud, oppreſſion, covetouſneſſe, (the crafty

* *Quere*, Whether Mr. *Lilburn* had not more Reaſon to feare loſſe & puniſhment, knowing his treacherous deſign againſt the State, then this man knowing himſelfe a Papiſt.

y It ſeemes they had a great deſire to the Colliery, for otherwiſe they would not have taken ſo falſe an Oath as they did before the *Commiſſioners of Compounding*: Namely, in charging the *Committee* of the North, as that they refuſed to doe ſo and ſo, which was prov'd to be falſe, and *Lilburn* and *Grey* foreſworne. So that it's a true ſaying; *In nullum avarus bonus eſt, in ſe peſſimus.* Chryſoſt.

z *Clemens Alex. in Protrept.*

crafty inventions of his own brain) cryed up and pleaded for, under the name of righteouſneſſe, honeſty, juſtice: and the ſimple who believe every thing, are apt to give credit and truſt to it.

The Caſe being ſo clear, and fully laid open before the Commiſſioners for compounding, by Mr. *John Reading*, Counſellour for the Common-wealth: and they having likewiſe heard whatſoever could be ſayd by Counſel, on the [a] behalfe of *Primate*, *Lilburn*, and *Grey*, gave their judgement upon it, thus.

By the Commiſſioners for Compounding, &c. 27 Febr: 1650.

Upon reading of our order 20 Febr: inſtant: Made upon hearing of the report of Mr. Reading, *and of Counſel on* [b] *both ſides in the Caſe touching the Collierie of* Harraton, *in the County of* Durham, *and upon further hearing of the ſaid Caſe this day, and of Counſel on behalfe of Mr.* Joſiah Primate, *Mr.* George Lilburn *and Mr.* Grey *the Elder, as alſo of Counſel on behalfe of the Common-wealth, and conſideration had of the matter as it is before us.*

Reſolved. That we [c] *cannot admit of the depoſitions or Affidavits taken in Chancery in this Caſe, as Evidence before us.*

Reſolved: That upon the proof before us [d] *we doe not judge the title of the ſaid Mr.* Primate *to the ſaid Collierie good, as to diveſt the Common-wealth of their poſſeſſion.*

Reſolved: That Mr. George Lilburn *and Mr.* Grey *the Elder, and all others that received any profits out of the ſaid Collierie, ſince the ſame became Sequeſtrable, for the Delinquency and Recuſancy of Mr.* Thomas Wrey, *doe account upon Oath, for what they have received.*

Reſolved:

[a] It hath not been knowne in any caſe of this kinde, a more full hearing then this had, as to what could be ſaid, by *Primate* and his Councel to the full. And this Maſter *Lilburn* well knowes, though he have publiſhed the contrary.

[b] *Utramque partem ni audias, ne Judices.* Ariſtoph: in Veſp. *Qui ſtatuit aliquid parte in audita altera: Æquum licet ſtatuerit haud æquus fuit.* Sen: in Medea.

[c] For this many reaſons have been ſhewed why they could not.

[d] But Mr. *Lilburn* would judge it good, though there was no cleare demonſtration for it. *Omnia venalia nummis.*

Resolved: That upon Mr. Primates, *Mr.* Lilburns, *or Mr.* Greyes *Petition, stating their Title to the possession of the said Collierie,* [c] *further time shall be given to them to prove the same.*

James Russel, Edward Winslow,
John Berners, Richard Moore.

[c] The which time by Mr. *John Lilburn* was ill spent: not remēbering, *Temporis præteriti bene impensi suavis est memoria.* Neither that saying; *Nullam tacuisse nocet, nocet esse locutum.*

And as they gave them further time to state their Title, and prove the same; so it was almost a yeare, before there was a second Judgement. In which time, nothing was unheard, nor unconsidered, which by *Primate, Lilburn, Grey,* and their Solicitors could be produced: Whereupon at last, having fully heard, what could be said by the Counsel on both sides, this was the [f] Sentence.

[f] *Fundamentū perpetuæ commendationis & famæ, est justitia, sine qua nihil potest esse laudabile.* Cic. l. 1. de leg.

By the Commissioners for Compounding, &c. 12 *Decemb.* 1651.

In the Case depending before us, touching the Collierie of Harraton, *having heard the Depositions and Proofes taken therein, and perused the* [g] *Deeds and other writings offered to us on the behalfe of* John Primate, *of* London Leather-seller, *who claimes an Interest in the sayd Collierie, by Lease thereof from* Robert Conyers, *who pretends a right therein by Grant from* Sr John Hedworth: *And upon hearing of Counsel, as well on the part, and behalfe of the said* Josiah Primate, *as on the behalfe of the Common-wealth, in whose right the same is Sequestred, as belonging to Colonel* Thomas Wray, *a Papist and Delinquent, and having had several Debates, upon the said Proofes and Writings, and what hath been offered by the Counsel on either side doe Resolve.*

[g] The which Deeds upon Examination were found not to be so virtuall as to give *Primate* a Right to the Collierie, in the understanding of the Commissioners. *Pulcra & honesta laudenda, sed Turpia vituperanda.* Aristo.

That it doth appeare, that the whole Collierie of

Harraton *was under Sequeſtration in the yeare* 1644. *without diſtinction of Seames*; *That it doth not appeare that the ſaid Collierie or any part thereof was diſcharged from Sequeſtration from the yeare* 1644. *to this time.*

That upon Conſideration of the whole matter, there doth not appeare to us ſufficient cauſe to take off the Sequeſtration of the ſaid Collierie, or any part thereof, upon the Petition of the ſaid Mr. Primate.

Reſolved: That we doe leave all parties claiming any Intereſt in the ſaid Collierie to their courſe in Law, and doe thinke it fit, that the poſſeſſion be eſtabliſhed accordingly.

James Ruſſel, John Berners, Richard Moore. } Arth: Squibb. Will: Molins. Edw: Winſlow.

Having ſhewed what the Commiſſioners did, and the grounds thereof: Now it followes that we declare, what afterward was done by *Primate*, but eſpecially by Lievt: Colonel *John Lilburn*, who at this time was the chief man that acted and appeared in his Unkles and *Primates* buſineſſe, againſt the right of the Common-wealth.

Not to ſpeake of * a Booke which the ſaid *Lilburn* had before publiſhed, and his charging Sir *Arthur Haſlerig*, *with deſtroying and levelling our properties*, *ſubverting the Lawes and Liberties of* England, *and exerciſing a Tyrannicall power over us*, *againſt and without Law*: There was [h] penned and printed a Pe-

*Entituled, *A juſt Reproofe to Haberdaſhers Hall. Or An Epiſtle written by Lievt: Colonel John Lilburn July* 30. 1651. *to foure of the Commiſſioners, viz. Mr.* James Ruſſel, *Mr.* Ed: Winſlow, *Mr.* Will: Molins, *& Mr.* Arthur Squib: *Wherein is ſet forth their unjuſt and unrighteous dealing in ſeverall Caſes: With the Relations of the ſaid* John Lilburn, *and their captivating their underſtanding to the tyrannical will of Sir* Arth: Haſlerig, *who hath moſt unjuſtly endeavoured along time together, the extirpation of the familie of the ſaid* Jo: Lilburn. The matter of this book was judged by the Parliament, *to be falſe, ſcandalous and malicious, and deſervedly to be burnt by the hand of the Common hangman.*

[h] Of which Petition it might be ſaid as *Origen* ſaid of *Celſus* workes; *Non eſt periculum ut eis ſubvertat unitus ullus fidelium*, it was ſo falſe, ſcandalous and malicious.

tition

tition and Appeale against the Judgement and Resolution of the Commissioners for Compounding. The words of the Petition are as followeth.

To the Supream Authority of this Nation, The Parliament of the Common-wealth of England; *The humble Petition of* Josiah Primate *of* London, *Leather-seller;*

Sheweth;

THat *your Petitioner by Under-Tenants,* George Lilburn *Esquire, and* George Gray *the Younger, Gent: both of the County of* Duresm, *being in the yeares* 1647, 1648, *and* 1649. *in a just and quiet possession of the Collieries or Seams of Coal in* Harraton *in the County aforesaid, called the Five-quarter and Nine-quarter Coal (and having spent neer* 2000 *l. to win the same) which lay drowned and lost from* 1641. *to* 1647. *Sir* Arthur Haslerig *in* 1649. [i] *procuring Colonel* Francis Wren, *one of the Committee of that County, and Colonel* George Fenwick *to joyn with him, made an Order (against which the rest of the said Committee present protested) to sequester the said Collieries, under colour of an* [k] *untrue suggestion: That Sir* William Armyn *had sequestred the same in* 1644. *as belonging to one* Thomas Wray *a Papist Delinquent, and thereupon the said Sir* Arthur [l] *violently dispossessed your Petitioners Tenants, and seized their Goods, and let the said Collieries to Colonel* Francis Hacher, *and several of the Officers of his own Regiment. That your Petitioner hath petitioned to the Commissioners for Compounding for relief, but by the* [m] *power and influence of the said Sir* Arthur *upon most of the said Commissioners, your Petitioner hath been de-*

[i] *Innocens esse nemo poterit, si accusasse sufficiet.*

[k] *The things that are not faire, seem faire to him that is in love:* So *Daphnis* in the Poet saith to *Polephemus:* So it is with the promoters of this Petition. Though slanders and falsehoods are fowle & grosse vices, yet to them they seeme faire, and lovely, because they take delight and pleasure in them.

[l] *Vis vi propulsanda* is good in Law. *De malè quæsitis non gaudet tertius hæres.*

[m] A man that lets his haire grow too long falling over his eyes, hinders his sight, and goes the worse: So Mr. *Lilburn* having

the light of his understanding darkened with malice against Sir *Arthur*, mistaking the truth here, devised a slander.

layed

layed and denyed the ordinary course of proceeding in all Courts of Justice, and at last coming to Hearing, the said Sir Arthur *appeared every day of the Hearing, and took upon him not onely to plead against your Petitioner (which is humbly conceived to be contrary to Law, he being a Member of Supream Authority) but also authoritatively to prejudge your Petitioners Case, and to direct the said Commissioners what to Judge therein by his power and influence upon the said Commissioners, he over-awed most of them, and full Hearing, Judgement being respited from day to day, the said Sir* Arthur *kept private Correspondence with some of the said Commissioners about finding of some* [n] *new colour or pretences to detaine your Petitioners possession from him: & hereupon he produced new pretended Evidence after full Hearing; and thereupon the Major part of the said Commissioners not daring (as is humbly conceived) to oppose the will and pleasure of the said Sir* Arthur, *have contrary to cleare Evidence before them for your Petitioner, refused to relieve him, and have punctually pursued in their Judgement, the Direction publiquely given by the said Sir* Arthur.

That the said Commissioners being the onely persons authorized by the Parliament, to heare and determine all Cases about Sequestred Estates, Your Petitioner cannot be relieved from the [o] *Oppression and Tyranny of the said Sir* Arthur, *save by the Parliament, or their speciall Order and Direction. And your Petitioner hath been kept from his Possession above two yeares; and the said Sir* Arthur *hath declared the said Collieries to be worth at least* [p] 5000 *l.* per annum.

May it therefore please the Parliament, in respect to the Publique Justice of the Common wealth, to cause the truth of the Premises to be speedily examined, and to provide for

[n] Nothing of these things could Mr. *Lilburn* prove: In so much as that fitly of the Poet may be applyed to him, and his Case; *Quærit aquas in aquis: & poma fugacia Captat Tantalus, hoc illi garrula lingua dedit.*

[o] *Pejor est detractio in magni nominis viris quam in plebeis.* August. lib. 3. cont. Per. l. 2.

[p] Whether he did say it is a question, but this is without question, had not the thing been of very great value, Mr. *Lilburn* would not have made so much contention about it: for his hand hath bin grasping great booties: Witnesse the businesse of *Hatfeild Chase*, of which more in it's place.

for your Petitioners relief from the Oppreſſion and Tyranny of the ſaid Sir Arthur Haſlerig, *and for the Diſpenſation of Juſtice without feare or favour, as to your Wiſdomes ſhall ſeem moſt ſafe.*

And your Petitioner ſhall pray.

Joſiah Primat.

The [q] *Romanes* (as it is reported) kept in *Capitolio* certain dogs and geeſe, which by their barking and gabling ſhould give warning in the night of Theeves, that entred in: But if they cryed out in the day time, when there was no ſuſpition, their legges were to be broken off, becauſe they cryed when there was no cauſe. If the promoters of this *Petition* are (as [r] they ſay themſelves) *for juſtice and righteouſneſſe without reſpect of perſons, and againſt illegal and Arbitrarie actings:* God forbid we ſhould ſpeake againſt them: but if they are (as to the *Parliament* it did appeare ſo by their Cenſure) deceitfull Workers, falſe Accuſers, Defrauders, prejudicial, and dangerous to the Common-wealth, we know no Reaſon, but they ſhould have their demerit accordingly. To the matter then.

This *Petition* being by *Lilburn*, and *Primate* given to ſeverall Members of Parliament, and afterward in the Houſe avowed and juſtified by them both: a *Committee* thereupon was appointed, and power given, to examine upon Oath, and to ſend for perſons, parties, witneſſes, and papers, and to make report forthwith.

The *Committee* having ſate [r] twelve dayes upon the buſineſſe, and examined Witneſſes, produced on both ſides, and heard whatſoever could be ſaid. A report

[q] *Varro.*

[r] *Domeſticum Teſtimonium*, ſtands not good in Law. *Juſtin: Inſt. l.* 1. *Tit.* 10. *Doctrina vana ratio ni acceſſerit.* Tull.

[r] Note the honeſty & conſcience of his *honourable Jury* (as he calls them) and who (as he ſaith) *are the Keepers of the Liberties of England*, theſe without any examination of what was done in the twelve dayes, found him not guiltie. Like *Gnato* in *Terrence, Ais aio, neges nego*, if you ſay it is thus, ſo doe I, if you ſay nay, ſo doe I. But here how was that remembred? *Æqualiter utramque partem audire*, an old Attical Law.

report was made from the ſaid [t] *Committee*, of their proceedings therein; and of the matter of fact appearearing to them, and the Evidence given them.

The Houſe after long and ſerious debate, Reſolved upon ſeverall *Queſtions*, as to the civill part of the *Petition*, and to the matter of Crime charged therein; viz. *That the Parliament doth approve of, and affirme the Judgement and Reſolutions of the Commiſſioners for Compounding in the Caſe of* Joſiah Primate: *That the aforeſaid Petition is falſe, malicious and ſcandalous*: *That Sir* Arthur Haſlerig *is not guiltie either of Oppreſſion or Tyranny in the carriage and proſecution of this buſineſſe.* In a word, whatſoever in the *Petition* contained any charge of crime, as in reference to Sir *Arthur Haſlerig*, or the *Commiſſioners for Compounding* of unjuſt or unrighteous dealing, after due Examination of all the particulars by the *Committee*, and a full debate in the Houſe, appeared to be (and ſo was judged and voted) *falſhood and malicious aſperſions.*

Whereupon it was Reſolved by the *Parliament*, that *all the printed Copies of the Petition ſhould be burnt by the hand of the Common hangman. A fine of* 7000 *l. Impoſed upon* Primate, *and committed to the* Fleet, *there to remaine untill the aforeſaid fine be paid.* The like *fine of* [u] 7000 *l. was impoſed upon Lievtenant Colonel* John Lilburn, *and to be Baniſhed out of* England, Scotland, *and* Ireland, *and the Iſlands and Territories thereunto*

[t] In a Pamplet lately printed, entituled, *A Hue and Cry after the fundamental Lawes and liberties of England*; it is there ſayd, *Many of the ſaid Committee might juſtly be ſuſpected of partiality & greatly to favour Sir* Arthur Haſlerigs *cauſe, and as much to diſcountenance Mr* Lilburns *cauſe.* Now we muſt beleeve this becauſe Mr. *Lilburn* reports it: As if neither the *Committee* nor *Commiſſioners*, nor the *Parliament* were to be beleeved, but onely his ſingle teſtimony and bare ſaying.

[u] Not that either he or *Primate* payd one penny of their Fines.

Neither hath Mr. *Lilburns* Eſtate been taken from him, as he hath complained of, and charged Sir *Arthur Haſlerig*, as if he had deſtroyed him, his wife and children. An abſolute untruth (as we underſtand) for he hath enjoyed his Eſtate ever ſince, as having been received either by his wife, father, or ſome other friend to his own uſe, ſo that nothing hath been taken away from him by Sir *Arthur*, as he moſt untruly reports.

thereunto belonging, and not to returne into any of them, upon paine of being preceeded againſt as a Felon, and in caſe of ſuch return ſhall ſuffer death accordingly. Before wee come to treat of the Act of his Baniſhment, there are ſeverall things to be conſidered.

1. That it is moſt untrue which is by [x] Mr. *Lilburn* and others affirmed, *viz.* that the Reaſon and Cauſe of his Baniſhment ſhould be of ſome difference and quarrel between Sir *Arthur Haſlerig* and him; whereas Sir *Arthur* was no further concerned in the buſineſſe, then to maintain (as he was bound to doe) the due title and Right of the Commonwealth, which (ſaith he) ſome (combining together) wrongfully endeavoured to out, and defraud the State of it. It is no new thing, to heare [y] men (*ſuum quiſque flagitium alijs objectantes*) to lay their own faults upon others; as to cry, *ſtop the theefe, ſtop the theefe*, being in the mean time the only Robbers. Thus indeed it hath been *Lilburns* practice all along, and *his* [z] *Maſter piece* to aſperſe others, for oppreſſion, injuſtice, illegallitie, exerciſing an arbitrary and tyrannicall power, &c. whereas no man hath been greater and deeper in the crimes then [a] himſelfe, as not onely here, but in many other caſes: as we ſhall abundantly prove hereafter.

2. Whereas there is mention made in the *Petition*, of Colonel *Francis Wren*, and Colonel *George Fenwick*, and the Commiſſioners for Compounding of ſeverall high miſcarriages and groſſe abuſes laid to their charge. Now upon Examination by oath, before the Committee (appointed for the tryall of the whole buſineſſe) thoſe men appeared innocent, and no way guiltie of the things ſuggeſted: neither

[x] Thus he writes: *Several of my friends in England, may wonder why all this time I have not publiſhed the full ſtate of the caſe between Sir Arthur Haſlerig, Mr. Prime, and my ſelfe.*

[y] *Tacit. hiſt. lib. 12. p. 395.* So *Ahab* charged *Elias* to be the troubler of *Iſrael*, whereas it was he & his fathers houſe had don it.

[z] *Subvertit hominis vitam lingua garrula.* Menon.

[a] For what *Auguſtine* blames *Seneca* the Philopher, may fitly be applied to him, *In this he did the more wickedly in that he did it lyingly for he did it ſo as the people thought he did it truly*; ſo it is an aggravation of his evill, that he deceives the people by ſpeaking untruths.

could *Lilburn Cum ſocijs*, make good any particular, or part of their charge againſt them (as the Parliament underſtood) The [b] Law ſaith, *Calumniators and detractors of their brethren, ſhould have burn-markes ſet on their forehead, for infamous perſons.*

3. For the Intereſt and Title which *Primate* made to the Collierie in *Harraton*, when all his Evidences, Witneſſes, and other proofes were examined, it did appeare to the Houſe, that he had [c] not any lawfull Right thereunto, but that it was a deſigne of *George Lilburn* and *George Gray*, [d] (proſecuted by others) to [e] defraud the State by taking the profit and benefit of that place into their own hands. *Neveſſon*, a better Lawyer then an honeſt man, would ordinarily ſay, *He that will not venture his bodie ſhall never be valiant: he that will not venture his* [f] *ſoule, ſhall never be rich.*

4. For the Common-wealths Title and Intereſt to the ſaid Collierie (this we underſtand) it was before the *Committee* proved lawfull and good, all objections made againſt it by *Lilburn* and others fully anſwered: Neither had they any thing more or further to ſay: The Examination of perſons, parties, witneſſes, papers, Records, &c. we have them all by us: which are too large in this place to ſet forth: But the * ſubſtance of the whole as taken upon oath before the Committee, we have here faithfully reported, as delivered to us.

We come now to the *Act*: that is, to conſider and weigh the Grounds and Reaſons upon which the *Parliament* might juſtly proceed, as to the Baniſhment of him. And here we will begin with

[b] *Calumniatores fratrum & detractores infames cenſentur.* Caul. 6. Qu: 1. C. Infames.

[c] *Avarus nunquam juſtus eſt.*

[d] *Charior eſt auro non ſimulato fides.*

[e] *Neſcit prodeſſe qui neſcit providus eſſe.*

[f] *Omnium malorum radix eſt cupiditas, tranſgreſſionis mater, magiſtra incendi: primipilia iniquitatis, auriga malitiæ, ſcaria virtutum, ſeditionis Origo, fovea ſcandalorũ.* Petrus Raven:

* It is worth the noting how Mr *Lilburn* hath ſet forth a booke about this buſineſſe: Entituled, *A juſt Reproof to Haberdaſhers hall*: now leaving aſide his raylings againſt Sir *Arthur*, & ſome inventions of his own head: there is enough in that book to condemn himſelf and his caſe, he thought that either none would have read it, or none would have underſtood him.

that

that Law of God, concerning the puniſhment of *a falſe Witneſſe*; [g] *Ye ſhall doe unto him as he had thought to have don unto his brother.* The Hebrew Doctors write on the place thus; *It is commanded to doe unto a falſe witneſſe,* as he would have don by his Teſtimony to his neighbour. If they have teſtified falſly of a tranſgreſſion, for which men are guiltie of ſtoning to death, they are all to be ſtoned, if of burning they are to be burnt: and ſo for other deaths: And if they teſtifie of crimes worthy of beating, every one of them is to be beaten.* To the point then in hand.

[g] Deut. 19. 19.

* No marvaile though the Law of God will have ſlanderers to be ſo ſeverely puniſhed, conſidering *honeſtus rumor alterum eſt patrimonium.*

Such [h] perſons as deſtroy Proprieties, ſubvert Lawes and Liberties, procure other men to joyn with them in unjuſt and unrighteous dealing, violently ſeize upon other mens goods, and by their power and Influence ſo over-aw the Courts, as that the Judges neither can nor dare doe righteous things, &c. What puniſhment is due unto ſuch men, few but know: We have ſeverall Examples (former and later) of perſons which have been fined, impriſoned, baniſhed, yea put to death for fewer and leſſer crimes.

[h] We doe not here ſet down by a great deale the crimes which he lays to other mens charge: As *Murther, Treaſon, Theft, &c.* Theſe things the Reader ſhall ſee afterward.

So for Commiſſioners and Under-Officers, to joyn hand in hand with a Tyrant, and ſuffer themſelves to be ſo baſely corrupted, as the ordinary courſe of proceedings in Courts of Juſtice is delayed and denyed. Make unrighteous decrees, oppreſſe the poore, pervert judgement, ſerve the luſts, and ſatisfie the will of corrupt men, &c. No doubt but they * deſerve not onely to be fined, and put out of their place, but out of the Nation, and Commonwealth alſo, and juſtly too.

* Now there is great reaſon why men not doing juſtice ſhould be puniſhed, for *aut ſit juſtitiæ locus, aut certa ruina mundo, juſtitia quippe carere nequit.*

Now for application, [i] *Ye ſhall doe unto him as he had*

[i] *Quod non tibi fieri vis, ne fac Alteri.*

had thought to have don to his brother: Hence we inferre, if Sir *Arthur Haſlerig*, and *the Commiſſioners for Compounding*, had worthily deſerved *a fine* [k] *of 7000 l. to be impoſed upon them*, and to have been baniſhed out of *England*, *Scotland*, *Ireland*, and the Iſlands, Territories, and Dominions thereof: had the things been proved and found true, which by Mr. *John Lilborn* were laid to their charge: then by this Law of God, he being *a falſe witneſſe*, and ſo proved and convicted when he *he ſtood before the Lord, and the Judges*, the very ſame puniſhment ought he to have: According to that old [l] Verſe:

ἷιπε παῖσι παῖ' ἔρεξε, ϕίκυ ἰδεῖα γένοιτο.

The law is juſt he ſhould be caught,
In that ſame miſchief *which* he wrought.

There is ſo much Equitie and Reaſon in this law of Retaliation, as the wiſeſt of the [m] Gentiles ſaw it, and have written for it: and it hath been practiſed amongſt them almoſt in every Nation. Neither hath the Lord left this law with men, as by them alone to be kept, but we finde that he himſelfe ofttimes hath put it in Execution.

And whilſt we are ſpeaking of this law, it is not amiſſe, that the Reader be deſired to obſerve what Rules and qualifications are ſet down by *Caſuiſts* and learned men, concerning the right and due practiſe of it. As 1. when it is a combination, or plot deſign'd of evill doers: this the Scripture expreſſeth; [n] *If a falſe witneſſe riſe up againſt any man, &c.* From hence the [o] *Jewes* gather, that *by law they may not determine any ſentence by the mouth of one witneſs, but from the mouth of witneſſes, either in money-matters,*

[k] Note how Gaveſton, the *Spencers*, and others, ban ſhed the Realm, committed not the crimes which he hath laid falſely to ſome mens charge.

[l] *Suidas.*

[m] *Ab alio expectandum eſt, alteri quod faceris Seneca, Quæ injuria eſt, pati quod prior ipſe feceris.* Ibid. *Ut phalaris tauro violentus membra per illi torruit, infelix mihuit autor opus.* Ovid. l. 1. de Art. *Ariſtot: Ethic. li. 5. ca. 5. Gellius lib. 20. Noct. Attic. cap. 1. Quod quiſq; fecit, putitur: cum Horat. ſcelus repetit ſuoq; premitur exemplo nocens;* As *Seneca Trag. Act.* 3 brings in *Radomonthus* ſpeaking as a Judge.

[n] Deut. 19. 16.

[o] *Ainſworth* on the place.

ters, or in matters of life and death. 2. Maliciously prosecuting the thing, with intent to doe hurt. And 3. when it is to disturbe and overthrow the [p] publick peace. When these things concurre and appeare, *In procurando proximi malo, eadem omnes plecti debent pœna*, saith [q] *Amesius*. What evill or hurt false witnesses seek to procure to their neighbour, the same punishment themselves ought to have.

That Mr. *Lilburn* and others were confederates, and intended by false accusations to ruine and destroy other men, sought to make a generall disturbance and commotion in the Nation, it is unquestionablie certain, that to his Judges it appeared so: And therefore this [r] Law of God (as one Reason and Ground) may serve to justifie the *Parliaments Act* to the Fine and Banishment of him.

In *Athens* a youth was condemned, who took delight to pluck out the eyes of Birds, and having made them blind let them flie for pastime. It was no birds eye, that Mr. *Lilburn* hath sought to pick out, and therewithall to [s] sport himselfe, but the eyes of men, or rather that which is dearer and more precious to them then their *right eye*; even their credit, good name, estates, liberties, lives, &c. What lesse then (in point of Justice, [t] Equitie, and Conscience) could the Parliament doe, then following the Commandement of God (having made diligent inquisition) to *doe unto him as he had thought to have don unto his Brother.*

But 2. The Supream power of a Nation may as they have alwayes don, highten the punishment of Delinquents upon Grounds and Reasons of State: The safetie and preservation whereof, ought to be their

[p] Mr *Lilburn* in all his contests with particular persons, and raysing up false accusations against them, hath alwayes sought the disturbance of the Commonwealth.

[q] *De Conscient. lib 5. c. 56.*

[r] This Law is as good a Rule and as lawfully to be walked by, as *Magna Charta*, or any thing in *Cookes Institutes.*

[s] He would not use the base and fowl language wch he doth, but to make himselfe merrie with it.

[t] This is justice, *Qui alteri exitium parat: eum scire oportet, sibi paratam pestem, ut participes parem.* Tull. Tusc. 2.

their [u] Rule in all their proceedings. Now if *John Lilburns* courſe of life be duly weighed, and what his deſignes and intentions have been againſt the peace and publick good of the Common-wealth; how often he hath endeavoured to embroil the Nation in bloud, by ſeeking to rayſe new wars, &c. It might be [x] wondered that a ſtricter and ſeverer courſe had not been taken with him. For this we ſhall affirme and make it good. *That no man hath been baniſhed out of* England, *for higher contempts, greater inſolencies, and more deſperate and treacherous deſignes and Actings, then he hath don againſt the State.*

When *Shimei* was to be put to death for going out of *Jeruſalem*, *Solomon* remembred him of the great wrong which he had don before unto *David* his Father: and to ſay the truth, it was rather that, then the later which drew forth the ſword of the King againſt him. Thus it is with the [y] *higher Powers*, when they are to give ſentence upon an offender (ſpecially a publick Enemy to the Common-wealth) they conſider the condition of the perſon (as what he hath been, and what don before this later Act,) and ſo accordingly either leſſe or more proportion the puniſhment.

That we may haſten to our purpoſe: Had there not been found matter and cauſe enough for the baniſhment of Mr. *Lilburn* in *Primates* buſineſſe; Nevertheleſſe, as [z] *Solomon* put *Shimei* to death for going to *Gath*, conſidering the fowl abuſes don before to *David*. So this Act was juſtly made againſt him for being *a falſe witneſſe*, he having formerly

[u] *Vt omnibus bonis expedit ſalvam eſſe Rempublicam, quam portus eſt & Aſylum civibus univerſis: ita nihil eſt ſuavius, quam bene rem gerere bono publico.* Plaut. in capt.

[x] We would thinke him an unwiſe man that would feed rats, miſe, and other vermins to deſtroy his bodily Eſtate. *Ergo*

[y] Mr. *Lilburnes* former Treaſons are ſtill upō the States ſcore, he hath not reckoned yet with them though the *corrupt Juries* have quitted him. *Simile ſimili gaudet cum paribus facillimè congreganur. Canem cani, bovem bovi Aſinum Aſino.*

[z] Had not *Adonijah* asked *Abiſhag* the *Sinnammite* to wife, his attempting before to be King had been forgiven and forgotten, but doing this later, his former acting comes into queſtion, and for it (ſpecially) he loſt his head.

com-

committed much Treason against the State. Now whereas it may be objected, that Mr. *Lilburn* was acquitted by his *Jury*. We answer, so was *Shimei* pardoned by *David*, who could doe it, and did it upon Grounds of Justice & Reason, whereas that [a] *Jury* had neither Law, Equitie, nor Reason for what they did.

Now to the matter; which is to shew and prove, that *no man hath more deserved to be banished out of the Common-wealth of* England, *for Grand misdemeanours against the Republick, then Mr.* John Lilburn.

1. It is well knowne to all those, who either know the man, or have heard of his practice, that he is a professed [b] Enemy to every present Government whatsoever it be: As the Rainbow is never on that side of the world, that the Sunne is, but where-soever it appeares, it is in oppositon against the Sunne: If the Sunne be in the East, the Rainbow is in the West, &c. Such an Opposite and *Antagonist* (for all the world) is Mr. *Lilburn* to all Formes and kinds of Government: whatsoever is up, & established (in what part of the Firmament soever the *Sun* of Government shines) he will be sure to stand over against it, in aspersing and despising the same.

Who was more against the King, and kingly Government then he? how violent was he against the House of Lords to have them down, and pluckt up root and branch: And [c] no sooner was there another Government established without King and Lords, but he sets himselfe against it also, and with as much outrage as before, & so ever since all along, what change soever hath been, he hath not changed

held seditious and dangerous, but continuing thus against all Government: now his practice with some men is well liked.

[a] The law saith (but they understood no law grounded upon Reason and Equitie) *satius esse impunitum reliuqui facinus nocenti, quam innocentem damnari.* Ulpian Jurisc. in Pandect l. 48. Tit 19 leg. 5.

[b] Like *Aglaidas*, who was never better pleased then with displeasing others, nor ever relished any dish better then what was distasted by others.

[c] Custome and use, makes those fashions which at first seemed very ugly and abominable, to be accounted very good and cōmendable. In likelihood, the time was when this man first began to *resist the higher Powers*, he was

ged (ſpecially when it croſt him in carrying on his own Intereſt) to rayle againſt it, and to ſeeke the overthrow and ruine thereof.

At his triall the other day, he openly ſayd; *That the Parliament* [d] *before the Kings head was cut off, and the Members taken out, were in their puritie a gallant Parliament, who were tender of the Liberties, and of the Freedom of the Nation, and walked in the ſteps of their Anceſtours and forefathers, then were the dayes of their Virginitie, and they made good and righteous Lawes, &c.* But is this true? ſpeakes Mr. *Lilburn* really and as he thinkes, or doth he diſſemble? For who was more active and forward then he, in printing, talking, plotting againſt that *Parliament*, which here he ſo flatteringly cryes up. But we know why he doth it, it is to ingratiate himſelfe among the Royalliſts and Cavileers, and to highten and ripen their malice againſt the preſent Power. But can they believe him (*ſic notus ulliſſes?*) is not Mr. *Lilburn* ſo well knowne to them: and the Antipathie between him and all formes of civil Government, that ſhould there be a *Parliament* againe, *viz.* ſuch as there was before the Kings head was taken off? of King, Lords, and Commons, doe they thinke that he would be quiet, and live peaceably under it? and not ſeeke to deſtroy it by what meanes he could? as he did then, doth now, and hath don againſt all [e] authoritie and power ever ſince.

Oh that I were made Judge in the Land (ſaith *Abſalom!* how well then ſhould things be carried. *Ab-*

[d] *Quere:* What Parliamẽt was it, that he writes againſt in theſe following words? We are ſure it was ſome Parliamẽt before the Kings head was cut off; *Truly Sir* (ſaith he) *give me leave to tel you, without feare or dread, had I come, or could have gotten ſo many to have followed me, as would have enabled me with my ſword in my hand, to have don Juſtice and Execution upon thoſe Grand treacherous fellowes and Tyrants at* Weſtminſter, *that have not onely tyrannized over me, but the whole Nation, I ſhould have made no more ſcruple of conſcience, to have deſtroyed them, then to have deſtroyed ſo many Weaſels or Polecats.* Juglers diſcovered. [e] They who are out of the Temporate *Zones* cannot abide to be ſubject, ſuch is their ſavage and bruitiſh nature, that it urgeth them to live ſolitarily and by themſelves. As his diſpoſition and temper agrees with ſuch people: ſo its great pitty he is not with them.

phonſus

phonsus used to say, [f] *If he had been with God in the beginning, things should have been contrived in another manner then now they are.* Those that are ambitious and love to have preheminence, are alwayes rash and heady Censurers, *Despise Dominion, and speake evill of dignities*, proud boasters, as what they would doe, had they the power in their own hands. And why is all this? but to incense the [g] vulgar people against the Government which is established, hoping to raise up themselves by the fall thereof.

But 2. To shew more particularly, what an enemy he is to civill Government; hearken to what himselfe hath published to the world, against the *Parliament*, or Supream power of this Nation. It is true, his language is so base, scandalous, scurrilous, as we are almost ashamed to expresse it. For no godly man, no civil man, no man, but *Lilburn* would have don it. A little therefore will be enough. The Parliament, he saith, [h] *are a pack of dissembling juggling knaves*, [i] *knaves in the highest*, [k] *a company of usurping Tyrants*, [l] *Men of bloud, and bloud hounds:* [m] *perfidious cruell Tyrants, a company of inhumane and bloudy butchers of men* [n], *the most perjured, perfidious, false, faith and trust-breakers, that ever liv'd in the world, and ought by all rational men to be most detested of all men that breath*; [o] *A company of theeves, murderers, robbers, treacherous selfe-seeking tyrannical men, usurpers of the name and power of a Parliament, most treacherously to doe what they list.* [p]

[q] *Diffido oculis meis, & identidem interrogo, an legerim an viderim.*

I suspect my sight, I question my Copie, I aske of my selfe againe and againe, could Mr. *John Lilburn* write

[f] *Si in principio mundi ipse deo adfuisset, multa meliusornatusq; fuisse.*

[g] *Non est concilium in vulgo non ratio, non discrimen, non diligentia.* Cic. pro planc.

[h] Legal foundamental Liberties. p. 35.

[i] Hue and cry, p. 31.

[k] Impeachment, p. 1.

[l] Out cry, p. 2.

[m] Legal foundament p. 74.

[n] *Lingua quo vidit? everteram civitatem, & eandem rursus everfura.*

[o] Legal foundam: pag. 41. 68.

[p] Picture of State 2 Edit. p. 14. *Note*, that is not to be understood of the present Parliament, But that before the kings head was taken off, and so continuing.

[q] *Plin. Paneg.*

write thus? *Tantæne animis cœleſtibus iræ*; what a man that pretends ſo much to honeſty, Law, Reaſon, Equitie. Some report of a people in *India*, which ſpeake not, but make a noiſe like a horſe ſnorting, or barking of dogs: certainly this is neither *vox dei*, nor *vox populi*, its a beaſtly ſound, but he knowes what he doth in Reviling the Rulers of the people; its mirth and muſick in the eares of Malignants, whoſe [r] humours and baſe luſts he deſires to ſatisfie. The Indian Idolaters, who ſacrifice to their *Zemes*, thruſt a ſtick down into their throat, to bring up whatſoever lies in their bowels, as thinking by ſuch filthy traſh to pleaſe their idols beſt: Never would Mr. *Lilburn* let ſuch *fowl-ſtuffe* come from him, but that he knowes its a ſacrifice moſt acceptable to ſuch men, who deſire (as himſelfe) to ſee the Common-wealth ruin'd.

But is it not better to pleaſe God then men: the Scripture ſaith, [s] *Thou ſhalt not revile the Judges, nor curſe the Ruler of thy people*[t]. We finde among the civil Lawes of Nations, ſevere puniſhments appointed unto perſons which ſhould offend this way: yea as the caſe might be, little leſſe then *Crimen læſæ majeſtatis*: As when it was don out of a ſeditious deſigne, to cauſe tumults and Rebellion among the people, by rendring the Governours odious and contemptible to them. The very thing intended by Mr. *Lilburn*, as he profeſſedly declares himſelfe.

Againe, Neither is he contented to aſperſe mens perſons, but lets out the venome of his mouth a-

[r] *Senis lingua ſuaviſſima eſt ſe ni, puer puero, mulier mulieri jucunda*: the ſpeech of one old man pleaſeth another old man, a child contenteth a childe, a woman a woman. *Plutar.* So calumniators in reviling the State doe exceedingly content ſuch men as maligne the ſame as much as they. *Magna inter molles concordia.*

[s] Exod. 22. 28.

[t] *Quia noveret deus, ſibi non defuturos in hoc crimine vindicando, pœna eorum arbitrio relicta eſt.* Rivet. in Loc. *Simler* on the place hath theſe words; *There is here no puniſhment ſet down for him that ſhould rail on the Magiſtrate, but ſeeing he that railed on his Father and Mother was to dye for it, much more worthy of death was he, which ſhould curſe the Fathers of his Country.*

gainſt

gainst the Government it selfe. The Parliament he cals, [u] *a mock power sitting at* Westminster, [x] *an insufferable insupportable tyrannical tyranny:* [y] *No Parliament at all in any sence either upon the principall of Law or Reason, but* [z] *a company of usurping Tyrants, and destroyers of our Lawes, Liberties, Freedomes and properties:* [a] *a tyrannicall and arbitrarie new erected robbing Government: A dead stinking carkase: Those Gentlemen sitting at* Westminster, *have forfeited their trust, and so the people dissolved from all obedience and subjection to them.* [b] *All their Votes, Orders, Ordinances, Declarations, Acts, which are, or hereafter they shall passe, are declared and protested against, as not binding to the people.* [c] Againe, *Never will we by popular Petitions addresse our selves to the men sitting at* Westminster *any more, nor take any notice of them, then of so many Tyrants and usurpers, and for the time to come hinder (as much as we can) all others whatsoever from subscribing or presenting any more popular Petitions to them.* So at his triall he spake it openly, *the Parliament that made the Act of his banishment, was* [d] *no Parliament, nor could they make an Act of Parliament since the Kings head was cut off,* [e] *whose death in Law unquestionably put a period to the Parliament. They have fild the Land (* saith he*) with their mockt or pretended Magistrates.*

[u] *Salva libertate* sent to Col: *West.*
[x] Foundament: Law. *p.* 58.
[y] Arraignmen. *p.* 1.
[z] Arraignmen. *p.* 8.
[a] Picture of the Councel of State, 2 *Edit. p.* 14. 17.
[b] A Declaration of the Free Commoners of *England.*
[c] Out-cry of the young men, *pag.* 11.

It was [f] a Law among the *Romanes* that whosoever passed not into their Citie through the gates, but attempted to breake thorow the wals, or to clime over, they should be put to death. But how much more had he deserved to die, that should have broken down the wals, burnt the gates, and so brought in the enemie to destroy the Citie. That which Mr. *Lilburn* hath been a long time struggling

[d] Here the Proverbe is verefied, *He that hath once past the bonds of shame, must be notable impudent.*
[e] Hue & Cry, *pag.* 35.
[f] *Eugn: Baron: Jure consu: l.* 1. *p.* 120.

for, it is to throw down the preſent wals & ſtrength of the Nation, and to bring all things to confuſion (*England* to a heap of duſt and aſhes) by moving the people to Rebellion, and ſo to deſtroy one another in their Liberties, Properties, lives, and all. What man ever ſpake halfe the * Treaſon that he doth here? who lived under any Civil Government, that hath comparatively ſo abuſed it? what State ever ſtood ſtill and ſuffered themſelves ſo intollerably to be reproached? What infinite maſſacres, murders, robberies, inſurrections have been committed, in Kingdomes and Common-wealths by far leſſe occaſion then this given to the people of this Common-wealth?

When *Demoſthenes* would ſet forth the improvidence and incircumſpection of the *Athenians*, preſented to them an innocent Foole, who being ſmitten on the cheek, layd his hand on the place where he had received the blow, and being ſtricken on the other cheek, did the like, never uſing any of his hands to defend himſelfe from further blowes. Thoſe that are in Supream Authority, when they ſhall heare themſelves *publickly* § *proclaimed, a pack of juggling knaves, butchers of men, bloud-hounds*, their Authoritie not onely queſtioned, but denied, and ſaid to be *no Parliament, but a Juncto, a mock-Parliament, a company of uſurping Tyrants; and the people looſ'd and diſſolv'd from yeelding any further dutie or obedience to them.* (Juſt as the Popes uſed to doe by their *Buls and Breves*, when they depoſed Princes, and diſcharged the Subjects of their Alleageance.)

* *Reus eſt læſæ Majeſtatis qui ſeditionem in Remp: conciiat, eum hoſtibus, patrinæ Religionem aut Reipub: hoſtibus nomen dat aut aliud quid vis ad Reipub: ſtatum evertendum. Molitur, l. 1. 10. 11. hic. l. 5. eod vult Althiſ: Dam houd: vid: Dam houd, c. 33 Odiſſ. aliqui per l. 21. ſect. 1. de cap. & poſt. l.*

§ In that Act declaring what offences ſhall be judged Treaſon, it is thus ſaid; *If any perſon ſhall maliciouſly or adviſedly publiſh by writing, printing, or openly declaring that the ſaid Government is tyrannicall, uſurped, or unlawfull, or that the Commons in Parliament aſſembled, are not the Supream Authoritie of this Nation, that Every ſuch offender ſhall be taken and judged by the Authoritie of this Parliament, to be high Treaſon.*

When

When they ſhall ſee ſuch things (we ſay) before their faces, and acted at noon day, if [h] they ſtand ſtill, and hold their peace, what may they be accounted, but like *Demoſthenes*, [i] *Innocent foole, Ideots, Silly-bodies:* or like the *Gymnoſophiſts*, whoſe manner was when they were moleſted with Waſpes, and other ſtinging flyes, not to ſtirre, or once offer to drive them away.

Although therefore ſuch Incendiaries and firebrands, may be quitted by *partial and corrupt Juries*, (men as treacherous to the State as themſelves) yet are the *higher Powers* ſtrictly to looke after thoſe things, and to puniſh as the Authours of Treaſon, ſo the [k] partakers likewiſe, who wrapt themſelves by unrighteous verdicts in the ſinne and guilt of Treaſon: *Howſoever the Magiſtrate* ([l] ſaith one) *may be as ſlow as he pleaſeth in puniſhing injuries committed againſt his own perſon, yet he ought not to pardon ſuch as are don againſt the Common-wealth:* [m] *A Magiſtrate* (ſaith another) *who hath diſcovered a Conſpiracie, and ſeemes fearefull to remedie it, is as faultie as the Conſpirator himſelfe.*

But to proceed: Neither hath Mr *Lilburns* [n] rage reſted here, but it hath as much appeared, and broken forth againſt our Armie, ſpecially the great Officers, and ſuch as command in chiefe. Theſe are cald [o] *New Tyrants, perfidious cruel Tyrants, Apoſtatiz'd Tyrants, Turkiſh Janiſaries, Traytors, Theeves, Beares, Wolves, inhuman bloudy butcherers of men, the ſcum, riffe-*

[h] *Refert bonorum exemplis puniri improbos.*

[i] *Indulgentia & lenitas Magiſtratus minimè ſeditionibus præbet: quia dum quiſcere Magiſtratus officia plebs videt, nulliſq; legum coerceri repaculis animadvertit, ipſa ſibi rapere gubernacula & quidvis audere incipit, contemto Magiſtratu vel ſpe impunitatis concepta* Frid: Wendel: Inſt. polit. l 3. c. 2. p. 492.

[k] *Agentes & conſentientes pari pœna puniuntur* Danæus in 1 Tim. c. 5. v. 22.

[l] *Sane lentus in ſuo dolore eſſet. Reipubl: injuriis ne largiretur.* Tacit. Annal. l. 3. p. 109.

[m] Unhappie proſperitie firſt hiſto:

pag. 180. [n] As the ſwine ſpareth not his mouth from any filthy and uncleane thing: So he ſpares none, whatſoever their place, worth, or deſervings are. [o] See his bookes, viz: *The picture of the Counſel of State: Englands new Chaine, firſt and ſecond part. The legal foundamentall Lawes, Liberties, &c. An Arraignment of* Oli: Cromwel, *&c. The Out-cry of the young men, &c. where all this and much more is expreſſed.*

raffe

raffe, and trash of the Nation, Insulting Oppressors, men that walke by no Rules or Principles, either of honestie or Conscience; Subverters of Lawes and Liberties, setters up of the highest crueltie, villanie, slavery, that can be imagined, even Tyranny at the hight: Thirsters of the bloud of such Souldiers, as are of action, for Common freedome and safetie, have enslaved the Common-wealth to their ambition, lust, covetousnesse, domination; taken away mens lives for no other end, but to make way for an absolute domination; have brought the Land into a more dangerous condition by far then they found it, even the vilest and basest bondage that ever English men groaned under; so that the cruel Tyrant Duke D'Alva, *or bloudie Queen* Mary, *are not so bad as these; yea, the King is much more excusable then they; so* Hollis *and that partie.*

Note (Reader,) how Mr. *Lilburn* here, is *semper idem, Can the Blackmore change his skin?* In some fenny Countries where people are troubled with *Gnats*, they use to hang up dung in the midst of the roome, as a bait for the *Gnats* to flie to, and so catch them, as being a net or snare provided for that purpose. We know not whereunto this mans lying, rayling, and devouring words, may be more fitly compared, then to such [P] *a dung-Trap*. Indeed he can speake it by experience, of a multitude of *Malignant Gnats*, which he hath already taken in this snare: in so much as there is not almost a secret Conspirator, a false-hearted Traytor, a fling fire, πυρὸς, a *boutefue* (as *Nestorius* was cald) one that seditiously seekes to destroy the Common-wealth, but this serves as a *Trap* purposely layd to catch them.

Neither is he satisfied, to call them thus, *Tyrants, Murtherers, Traytors, &c.* altogether, but particularly

[P] *Lilburn* speakes of his *Excrements which he judgeth not mean enough upon equall termes to Ballance against Cornet* Den, *and* Jo: Canne, *Arraignment* p. 3. It seemes he voydsthem here, as hanging up his dung for *Cavileer-Gnats* to stick at.
It is Evident enough, that the *Malignants* would not inquire after his Pamphlets, nor read them, if it were not for his rayling against the Parliament, Councel of State, Army. As for his talke and vapouring about the Law, they regard it not, it's the dung & Excremēts which he *voyds* at the *mouth* that the *Malignant Gnats* fly to.

ly

ly and personally, the Lord [q] *Fairfax* first (whom the Lord hath made an eminent Instrument of much good to the Nation) him he cals, [r] *A great Tyrant, standing by the power of his own will, and a strong sword born by his vassals, slaves, and creatures: having no Commission to be General, either from Law, the Parliament, or from the prime Lawes of Nature and Reason.* Againe, [s] *The General Lord* Fairfax (*and his Forces*) *hath broken and annihilated the formal and legal Magistracie of* England, *yea the very Parliament it selfe, and by his will and sword (absolute Conquerour-like) hath most tyrannically erected, set up and imposed upon the free people of this Nation, a mock Parliament, &c.* [t] So in another place, *the General* (meaning the Lord *Faixfax*) *is but their stalking Horse, and a Cypher,* [u] *one whom they lead hoodwinckt to the pits brink of his own ruin and destruction.* Againe, [x] *Corah, Dathan, and Abiram, were never such Rebells against Authoritie, as the General* (viz: *the Lord Fairfax*) *and his Counsel are, nor the* Anabaptists *at* Munster: *with* [y] John *of* Leiden *and* Knipperdullion, *were never more contemners of Authoritie; nor* [z] Jack Straw *and* Wat Tyler, *nor all those famous men mentioned with a black pen in our Histories, and called Rebells and Traytors, can never be put in any scale of equall ballance for all manner of Rebellions and Treasons against all sorts and kinds of Magistracie with the General and his Councel.*

There is a great deale more and worse too, which his licentious mouth hath vomited forth against this honourable person, which is so base and scandalous, as we are loth to repeat it. Flyes as they

[q] *Tunc tuæ res agitur paries cum proximus ardet*, it had been well if some had remembred it.

[r] An Impeachment of high treason, *pag.* 2.

[s] A Salva libertate to Col: *West.*

[t] The picture of the Councel of State, second Edition, *p.* 14.

[u] The peoples Prerogative, *pag.* 55, 56.

[x] The legal foundamental liberties, *p.* 38.

[y] You mistake the comparison: *John* of *Leiden* and *John Lilburn* are alike. *John Lilburn* is stiled *Defender of the faith, An Alarum to the House of Lords*, Title Page: And *John* of *Leiden* his Title is, *Johannes Rex Novæ Hierosolymæ, Rex Justitiæ super universum orbem.*

[z] He forgets here his name sake *John Lilliston* a Dyer who at the same time tooke upon him the name *of the King of the Commons.*

are ingenious to doe miſchiefe on grapes, ſo they are ſuttle taſters to chooſe the ripeſt and ſweeteſt for their pallat: As we had not then in the Armie, a choicer man, nor a man more [a] eminent and faithful then the Lord *Fairfax*, ſo he had not in the Land a greater Enemy and [b] Traytor to him, and one who more fought his ruin (by raiſing mutinies and ſeditions perpetually amongſt the Souldiers) then *John Lilburne*: he was no other but [c] *a fire brand* where he came; and this the Generall well knew, and might have ſayd;

[d] *Noxia ſerpentum eſt admixto ſanguine peſtis,*
Morſu virus habent, & fatum in dente minantur.

So hurtfull are the Serpents teeth,
They peſtilent the bloud
Of man in byting, and his death
Can hardly be withſtood.

Now howſoever the General, according to his place and power which he had, might have proſecuted things againſt him, yea have tryed him by *a Councel of warre*, for many apparent Conſpiracies and Treaſons againſt the Armie, and Commonwealth, and proceeded accordingly. And this he might have don, upon the Rules of Juſtice and Reaſon, grounded upon the Law of God and Nature: For it is an undoubted Rule in [e] Divinitie and policie, that it is more expedient that one man die, yea ten, an hundred, a thouſand, then the whole Nation ſhould periſh: [f] *Better one, then one-neſſe:* [g] *Better one corrupt and putrified member be cut off, then that the whole bodie thereby ſhould be infected and deſtroyed.* And the Law ſaith; [h] *Conſpirators againſt the*

[a] *Pejor eſt detractio in magni nominis viris, quam in plebijs.* Aug. lib. 3. cont. Petil.
[b] *Regnorum peſſima peſtis, ſeditio.*
[c] As the *fire-fly* leapes and danceth in the fire: ſo it was matter of joy to him to ſee Commotions in the Land.
[d] *Lucan: l* 9.
[e] Joh. 11. 50. & 18. 14.
[f] *Melius eſt ut pereat unus quam pereat unitas.* Aug. *Melius eſt & juſtius, unum pro multis, quam pro uno multos mori.* Sueton: in M. Salu: Otho.
[g] *Ure, ſeca ut membrorum potius aliquod quam totum corpus intereat.* Cic. Phil. 12.
[h] *Frequentius vivi ſectione paries, eminentioribus locis ſuſpendendas.* Clav. D. num. 8. Damhoud.

the publick peace are to be cut aſunder alive, and the parts of their bodies to be hanged up in the moſt ſpecial places of the Land.

Howſoever (we ſay) the General might thus have don, yet he let him alone, being for diſpoſition and qualitie of minde, the ſame which the Poet aſcribed unto *Cæſar.*

Eſt piger Ad pœnas princeps, ad præmia velox,
Cuiq; dolet quoties Cogitur eſſe Ferox.

To puniſh ſlow, to warre all ſpeed doth make,
A Prince, who grieves, though forc't revenge to take.

So againe for his *Excellency the Lord Cromwell*, how [i] unreaſonably he hath abuſed him, by falſe and rayling Accuſations, it is generally too well knowne: As *Nebuchadnezzar, full of furie, commanded that they ſhould heat the furnace one ſeven times more then it was wont to be heat:* ſo hath Mr. *Lilburn* don with the preſent Generall, made the oven of his mouth a great deale hotter then before: other men had but ſparkles, here we have [k] flames, firebrands, and great Coals caſt forth, as if his mouth were *Ætna*, or ſome other burning Mountaine. We think it will be better and more for the Readers ſatisfaction, to give him ſome general obſervations upon the falſhoods and forgeries which he hath publiſhed againſt the General, then to ſet them down.

1. It is well known unto all men, who have any knowledge in hiſtory, that to aſperſe men in authoritie (eſpecially if eminent, and men of publick ſpi-

[i] Some write of ſpirits who will throw down ſtones upon men, but their blowes do no hurt to them whom they hit: It hath pleaſed the Lord that hitherto his ſharp arrows have not hit the General: but are fallen upon his own head: like the Witch that had the diſeaſe paſſe unto her that had bewitched another: thus *the righteous is delivered out of trouble, and the wicked cometh in his ſtead*, Prov. 11. 8. As ſome ſubtle fiſh while they are laying gins and ſnares for other fiſh themſelves are taken: ſo here.

[k] The *Jewes* write that *Rabſheketh* was an Apoſtate from their Church: written againſt the General, and he will ſay it was don by one who had caſt off both religion and honeſty too.

rits) as to call them Tyrants, Murtherers, Traytors, &c. It is an old *State-destroying Stratagem*. *Amsolom* did doe so, and *Machiavel* himselfe hath it: And for example Instanceth one *Manlius Capatolinus*, who being overcome with envie, and not able to endure the honour and renown given by the Citizens of *Rome* deservedly to *Furius Camellus* for his valour, & good service, and the general good which the Common-wealth had thereby received, addressed himselfe (as *Lilburn* doth in his reproachfull *Libels* and *Pasquils*) to the vulgar people; as well knowing their temper, [l] *how prone they are to suspition*, [m] *desirous of new motion*, [n] *judge things headily and rashly*, [o] *envie the rich, and out of a dislike of their present condition, desire to alter all things.* [p] *He that hath nothing, feares not to doe any thing.*

Now hereupon (many falshoods and calumniations being raysed up by that *Incendiarie*,) the people ran together, make head, fill all places with tumults and uprores; and no doubt great mischief would have followed, had not the *Senate* created *a Dictator*, who by Examination plainly found out the Treacherous Conspiracy of *Manlius*.

The like [q] he reports to be frequently practised at *Florence* (his own Citie) [r] *Such men* (saith he) *as had served the State best, and been imployed in the greatest affaires, were most slandered: of one, they said, he had robd the Common Treasure; of another, that he had not performed his trust in the Army: of another that through Covetousnesse and Ambition had sought his own Interest. Hence grew hatred, thereupon division, from division to faction, from faction to ruin.* Againe a little after; *And this Course* (saith he) *namely, to* [s] *rayse up false reports*

[l] *Municipale vulgus pronum ad suspitiones.* Tacit. hist. 11.
[m] *Vulgus cujusq. motus novi cupidum*, Tac. hist. 1.
[n] *Non delectu aut sapientia ducitur ad judicandum, sed impita & quadam temerita.* Cic: pro plan.
[o] *Inopes bonis invident, odio suarum rerum mutare omnia studet.* Salust.
[p] *Qui nihil sperat desperat nihil.*
[q] *Machiavel* discourses, *lib.* 1. *c.* 8.
[r] Envie is like certain flies called *Canibarides*, who light specially upon the fairest wheat and most blown roses: Such as this Nation hath had most cause to love, have been most hated.
[s] The *Hieron* endeavoureth to fly above the Faulcon, and to wet his wings with her Excrements,

reports againſt men in Authoritie, is a readie way, whereby many doe ſerve themſelves, as ſteps and helpes to their ambitious ends. For being to encounter with powerfull men, they make the people their friends, by telling them, they will take their part againſt the Tyrannical uſurpation and Encroachments of Great Ones, and procure their Rights and Freedomes out of their hands. If we compare former things and perſons, with things and perſons now, we ſhall finde that ſaying moſt true; *There is nothing new under the Sunne*: [t] As were the Plots, Conſpiracies, and Treaſons of bad men heretofore, both to the deſigns, and the carrying of them on; namely, to aſperſe and belye men moſt eminent and beſt deſerving; and thorow their ſide, have ſought to deſtroy the Nation: So it is now, the very ſame imitated and practiſed, by *Incendiaries*, Mr. *Lilburn* being an Artiſt and deeply Learnt in this *Machiavillian Myſterie*, as all his writings (almoſt) loudly ſpeake it out, being by any impartial, unbyaſed, and judicious Reader lookt over.

2. Thoſe that doe deſire, and ſeek to hinder the peace of a Nation, by raiſing commotions and hurlyburlies among the people; their manner is, to Cry up, the ſweet, plauſible and much-taking name of [u] LIBERTY, A FREE PEOPLE, Complaining againſt *Arbytrarie Power, Tyranny, Oppreſſion*, pretending much to ſtand for the *Fundamental Lawes, Liberties, and Intereſts of the people.* And indeed this is a [x] ſnare ſo cunningly laid, as many

to make him fly heavily, & make his purpoſe unprofitable: So *Incendiaries*, by falſhood (as the excrements of their tongue) ſeek to eclipſe the honour of other men, thereby to advance their own.

[t] Thoſe that will compare the plots and deſignes of former *Incendiaries* with *Lilburn* & his party, may ſee ſome ods, as thus.

1. The ſeveral kinds of treacheries which have been acted by diverſe men, he himſelf hath don.

2. No man that hath ſo openly ſought the ruin of State, hath eſcaped ſo long from puniſhment.

3. Few have enriched themſelves by ſeeking the overthrow of another, ſo much as he hath don.

[u] *Palam ſpecioſa protexunt nomina & libertatem præferunt durumq; & inviſum ſervitutis jugum deteſtantur. M. Frid. Wendellin. Inſtit. Polit. lib. 3. c. 2. Theſ. 8. p. 494.* [x] It was truly ſaid of the *Orators*, There is nothing don ſo evill, but with faire colours a man may defend it, witneſſe theſe men who have hid (as a dunghill under ſnow) the greateſt Treaſon that hath been committed under the Sunne.

honeſt and well meaning perſons, have ſometimes unawares been caught in it. Thus the *Pazzians* at *Florence*, to draw the people to their baſe Conſpiracie, *Cryed out in the Market-place, Libertie, Libertie*, but (*plus aloës quam mellis habet*) had they joyned with them, the Citizens from liberty and freedome had put themſelves into abſolute ſlavery.

So *John of Leiden*, and the Conſpirators with him, layd this down as Motives unto others of Rebellion, [y] *Free Commoners, an Equal and juſt Government, every man alike in reſpect of* [z] *libertie, freedome, and ſafetie, the yoke of oppreſſion to be ſhaken off: and for this they might lawfully take up Armes and reſiſt the higher Powers.* And this ſo well pleaſed the ſeditious multitude, as following their Leaders in Rebellion and Treaſon againſt the State, they come at length (when it was too late) to ſee and acknowledge their great inſolencies, when deſervedly they fell under the hand of Juſtice.

Our own Hiſtories yeelds us plentifull of Examples in this particular: ſeldome hath there been an Inſurrection in the nation, but the Fomenters thereof, have ſutly conveyed into the hearts of the people, the poyſon of their tongues and pens this very way. Thus [a] *Kets* Rebellion was occaſioned under pretence of *Libertie and ſafetie to the Countrey*: So [b] *Cades, that it ſhould be profitable to the whole Realme.* So [c] *Jack Straw* and *Wat Tiler*, all was for *Libertie, and to redreſſe publick abuſes*: Hence they ſtiled themſelves, *The ſervants of the Common-wealth*: So the Rebellion in the North ſeverall times, it was *for Lawes, Libertie, publick ſafetie to ſuppreſſe oppreſſions, &c.* Here you may ſee as in a glaſſe, Mr. *Lilburns* deſigne

ſet

[y] *Skiden Comment. lib. 5.*

[z] *Libertatis inſtaurationem & vindictas ſubditorum a jugo & Tyrannide profiteri auſus.* Spenhem. diſput. *Nec deſtituerint de magiſtratibus tyrannide paratragœdiare & inculcare plebi, omnia natura libera eſſe & Communia; excutiendum eſſe principum æque Romani jugum, & quia illi blandis monitis haud quaquã cedent, ſed bona & capita ſubditorum libidini ſuæ vectigalia eſſe velint, juſtiſſimis in armis in omnibus vincicandam eſſe, quod omnium eſſe deus voluerit.* Ibid.

[a] Holinſ. Edw. 6. 1034.

[b] Holinſ. Hen. 6. pag. 632.

[c] Martin Rich. 2. p. 111. Holinſ. Hen. 4. p. 529.

set forth to the life, his endeavour hath been a long time to ruin the Nation (especially ever since it was a Common-wealth) by [d] a principal which he hath learnt from the practice of old *Incendiaries:* Oh what a noyse makes he and his partie about *Magna Charta, Petition of Right, the fundamental Lawes and Liberties of* England, *&c.* insinuating *all are taken away, Every free-born* Englishman *is now a slave,* so that there lies a necessitie upon *all the people of* England, *upon the* 16 *of* Octob: *to take up Armes and destroy the present Government,* &c.

They which hawk for birds, do of purpose make a stale of the Owl; and so the silly birds, whilst they come flicking about her are taken unawares: [e] Such a thing is Mr. *Lilburns* seditious rayling against the Parliament, the Generall, and Armie, as sending forth *a hue and Cry after the fundamental Lawes and Liberties of* England. *An Impeachment of high Treason against* Oliver Cromwel, *&c.* Instigating the people to take up Armes for their Lawes, Liberties, lives, proprieties, &c. Now note Reader whilst they are looking on this, and wondering at the strangenesse of it, (it being a *night bird,* and shunning the light) are suddenly surprised by the fowler, who hath laid such a trap purposely to take them by.

3. Howsoever such men speak aloud of *Common freedome, libertie, native birth-right,* complaine against *Oppression, Tyranny, Arbytrarie Power:* yet it is well knowne, all this hath been but a politick pretence, and a weapon taken up of [f] meere advantage, whereby ambicious, malicious, and discontented persons, have sought, (not the publick good) but best share, viz. the *meat,* and the shels should have been given among his followers.

them-

[d] *Non aliter salvos & incolumes se esse posse existimant, nisi in publicis calamitatis.*

[e] In *Newrie* in *Ireland* certain old women used to make a fire in the feild where diverse little children drove out cattle in the cold mornings, and coming to warm themselves were by these surprised, killed and eaten. Seditious persons & their designes are like those wicked womē and the fire.

[f] There goes a story among scholars of *Æsops* deceiving *Mercurie,* he having promised him one part of his nuts keepes all the meat and delivers the shels to the other: So in dividing the spoyles of the Common-wealth *Lilburn* intended to have had the

themſelves and their own Intereſt. This might be proved by all Incendiaries in every age and place; ſo that not to them coulds *Cæſars* ſentence be applied, [g] *NON MIHI SED POPULO.* As men [h] trouble and darken the water, thereby to get the more fiſh: ſo in making Commotions and diſturbances in a Nation, it hath been altogether for advantage ſake.

He that ſhall duly obſerve, Mr. *Lilburns* footſteps for ſome later yeares, ſhall evidently ſee, that in ſetting himſelfe againſt Authoritie, whereby to diſquiet the minds of the people, it hath ever been to carry on his own deſign. Thoſe whom he thought, have ſtood in [i] his way of gaine and preferment, or would not comply with his Ends, them he hath reproach'd and ſlanderd, and rendred them to the world as odious as might be; but for others (how corrupt and rotten ſoever) ſo they would ſerve his turn, ſuch he hath rather flattered, then ſpoken againſt. *Henrie* 4 of *France* prepared an Armie of threeſcore & twelve thouſand, and made the world beleeve, it was for *Germany* to attain unto the Imperial Crown: Whereas indeed he intended to fetch the *Princeſſe of Conde* from *Bruxels* for his baſe uſe.

In ſome ſuch way, would *Lilburn* deceive this Nation, he ſeekes by ſlandering the Government, to raiſe an Armie, and gives out, it's to fetch home *Magna Charta, Petition of Rights, a legal Magiſtracie, Cookes Inſtitutes, &c.* But

Fiſtula dulce canit, volucrem dum decipit auceps.
The bird to woe the Fowler brings,
Whilſt with his pipe he ſweetly ſings.

There-

[g] *Tu civum patremq; geras, tu conſule cunctis, nec tibi nec tua te moveant, ſed publica vota.* Claud. ad Honor.

[h] *Nihil eſt utilius aut opportunum quem in aqua turbida piſcari.*

[i] Are not all his complaints wch he makes in his printed Books againſt Sir *Arth: Haſlerig* in reference to himſelf. Becaus he pretends perſonal wrongs don to himſelf, all *England* muſt have an *Alarm, Arme, Arme*: As if all our Lawes, Liberties, proprieties were loſt and taken away from us, when he is oppoſd & croſt: The matter then is thus: if Mr. *Lilburn* may have his will and his turn ſerv'd: the *Gentlemen at Weſtminſter ſhall be a lawful Parliament*, and ſo no need of riſing upon the 16 of *October*.

Therefore (Reader) [k] beleeve him not; for were he once in the head of such an Armie, it is to be feared he would march another way, and doe as former Mutiners have don (Levell all) who pretended as much to Justice, Reformation, and publick good, as ever Mr. *Lilburn* hath don.

But 4. And to come neerer to Mr. *Lilburns* charge against the *General: If the blind lead the blind, they both fall into the pit*, saith Christ: The truth is, he being ignorant, what are the due Rights, Liberties, and Priviledges of a *free People*, runs headlong himselfe, and drawes others blindfold after him into the whirlepoole of sedition: He talkes much of *Fundamental Lawes and Liberties*, (and many like *Parats* speake thus after him) meaning (as we conceive) that there are some Lawes left us by our forefathers, which like *the Lawes of the Medes and Persians*, must stand, and by no after power or Parliament may be removed: But this [l] is a false Assertion, grounded upon no Reason, Justice, or Equitie, a meere dream and fancie of his own head: Indeed *Salus populi suprema lex:* what is best and fittest for the prosperitie and safetie of the Nation, that is to be considered, and established by the higher powers then in beeing.

The Physitians of our time, will not follow *Galen*, nor any other, otherwise then in their own judgment they see reason for it: So neither are *State-Physitians* bound up to *Magna Charta*, *Petition of Rights*, or any other former president, (which he cals *Fundamental Lawes*,) further or otherwise, then they see the same conducing to the welfare and happinesse of the Republick, but may lay aside either part

[k] It is sayd of *Richard* 2. Never was Prince receiv'd with greater love and opinion of all men, and sooner lost it: *Lilburn* hath soon loosed the opinion which people had of him when he came to action. As when he turnd Solicitor, his actings were base and scandalous.

[l] He tels us often of Bondage and Vassallage, but no man ever asserted a thing which leads to more perfect slavery then this: How are we a free people, and not to take and make what Lawes wee will for our selves. The shooes & other apparel which we wore being children were then fit, but now they must be wider and larger: so *Magna Charta* & other things were suteable to the people then, but now not so.

part or whole (as they ſee cauſe) and appoint ſomething elſe as more ſeaſonable and proper to us, and as providence makes way for it. It is an old ſaying, and very true, [m] *Leges bonæ ex malis moribus procreantur*, [n] Good Lawes are made from bad manners. As for Example, if the State ſhall ſee, that to try an offender by *a Jurie of twelve men* (a thing practiſed a long time with us) be dangerous to the Commonwealth, and much corruption and Injuſtice is committed this way: they may, yea and ought to lay it by, and to appoint ſome other way and courſe for the trial of Delinquents, which [o] is better and more for the ſafetie and preſervation of the Nation. And the like holds true in all other caſes.

Now if the *Reader* be pleaſed to obſerve well, what is here ſaid, all Mr. *Lilburns Out-Cries* againſt the *General*, will appeare to be wind and vanitie. For neither is his *Excellencie*, nor the *Parliament*, bound (as we ſaid before) to continue in force any of the [p] old Lawes of the Nation, but (upon Grounds of libertie, and being a freer people then ever our fore-fathers were) they may Eſtabliſh new and others in their place. So againe for his filling of mens eares with *Remonſtrances, Declarations and Petitions of the Army, at* New Market, Triploe-heath, *&c.* As to what hath been promiſed to be don for the Nation, we ſuppoſe it will here be underſtood, by all judicious and impartial hearers, that whatſoever the *General* and his Officers Engaged for, it was for the good of the people, as in order to libertie, ſafe-

[m] *Macrob. Saturn. lib.* 3.

[n] *Ut optima remedia ex peſſimis morbis nata ſunt, ita optimæ leges ex peſſimis natæ ſunt moribus*: Caroli Cæſar. Symbolum.

[o] Hence is that ſaying of *Plato*; *Tunc florent Reſpubs quando vel philoſophus regit, vel Rex philoſophatur.* So *Ariſtotle*; *Ubi præſes eſt philoſophus, ibi felix eſt civitas.* Their meaning being that to have a Cõmon-wealth floriſh, there muſt be wiſdome & prudence, as to what Lawes are made and executed.

[p] We would know of Mr. *Lilburn*, or any other man, what Reaſons they can ſhew us, that we may not lay aſide all the old Lawes and make new. *Magna Charta, Libertie of Rights, Cookes Inſtitutes*, ſpeake nothing to the Queſtion; They muſt prove that we and our poſteritie, (although a Free People) are bound to keep any Law, whether fundamental or not fundamental, if we ſee the ſame obnoxious, and ſo fit to be laid aſide.

tie,

tie, good Lawes, &c. He that promiseth a man six pence and gives him a shilling, breakes not his promise, but is better then his word: so the *General* (if by the good hand of God assisting him) shall be an [q] Instrument, to put this Nation into more freedome, and establish in it better lawes then formerly were thought of, here is no breaking of any Engagement, but a doing more then was before promised.

When *Nero* was like to loose all, and himself too, nothing troubled him so much as that his skil was impeached in playing; *Quantus artifex pereo!* saith he; No doubt it vexeth Mr. *Lilburn* not a little, to heare that our Lawes are likely to be altered, which are (as the Lawyers handle them) *like a Dutch mans hose*, to be worn up or down, turnd any way: And Mr. *Lilburn* knows this well enough, having gotten so much skill in the doubtfull and double sence thereof, as he dares speake and write Treason familiarly, being certain he can prevaile with [r] 12 *men*, whom he picks and chooses, to say as he saith, and not to regard any witnesse or proofe produced to the contrary, if it be against the Common-wealth.

5. And lastly, As the Accusations which Mr. *Lilburn* hath published to the world against the *General*, are malicious, false, and scandalous; so he hath shewed himselfe therein, a person most inhumane and ingratefull. The saying is;

Arbor honoretur cujus nos umbra tuetur.

Much honour'd of us is the tree,
Under whose shade protect are wee.

[q] It was a speech of *Augustus, Romam lapideam & inculcatam inveni, marmoream reliqui.* And the Epitaph given to *Constantine* was *Libertatori urbis fundatori Quietis.* In what condition *England* was before the *General* ingaged for the Liberties of this Nation, it is wel known, and how instrumentally he hath bin for the good of all good men, & we hope the Lord will so carry him on for the perfecting of the work, that the former sayings shall be applied more truly to him.

[r] It was spoken by one of the Jury before the trial: *That Right or wrong they had agreed to quit him*; who would not stand for such a way of trial.

Many great favours hath the *General* shewed him: observe what he saith himselfe; [f] *I must confesse you tooke compassion of me in my bonds and chaines, even when I was at deaths doore, and was princimental in delivering me from the very gates of death in* Anno 1640. *and setting me* [t] *free from the long and heavie tyrannie of the Bishops and Starr-Chamber, even at that time when I was almost spent, and many particular respects since then, and a large token you sent me since I came, &c.* This was an Act of so much goodnesse and love, as a man of ingenuitie and gallantrie would never have forgotten it, at least never have abused so precious and loving a friend: But this is not all; he tels us more; [u] *At the Lord General* Cromwels *coming out of* Ireland, *he was Nobly pleased to get me a Grant of setling Lands upon me for the residue of my money, for which most Noble favour I must and doe* [x] *heartily declare, and acknowledge my selfe highly obliged to him.* Thus [y] he.

There are three things here observable, as demonstrating Mr. *Lilburns* practice to be [z] evil above measure: 1. The fowl language which he gives the *General:* such words as we are confident would not fall from any [a] mouth but his: hence it is that we purposely still forbeare to mention them, because they are so base. 2. How he renders evil for good; a vice abhorrent to Heathens. 3. He hath had no [b] provocation or occasion so to doe: but being crost by others in his designes, hath powred out his

[f] *Jonahs cry out of the Whales bellie, pag.* 2.

[t] We reade of a Stork that cast a pearle in the bosome of a mayd which had healed her of a wound: Mr. *Lilburn* cōfesseth here, that the *General* under God did heale him and help him: but how hath he requited him? instead *of pearles*, cast serpēts, snakes, fire brands at him; thereby to have destroyed him if he cou'd.

[u] *A just reproofe to Haberdashers Hall, pag.* 6.

[x] *Quid verba audiam cum facta videam.*

[y] *Scilicet ut fulvum spectatur in ignibus aurum: Tempore sic duro est inspecienda fides.* Ovid Tris. l. 1.

[z] Mr. *Lilburn* might have remembred his *Case*; *Damnabiris nunquam, post longum tempus, amicum.* [a] It seemes Mr. *Lilburn* never read that in the Poet; *Stultum est hostem eratare, potentem: atque malum Mavis tumidis sibi quærere verbis.* [b] *Nullam virtutem magis propriam imperij & potestatis esse quam clementiam, qua qui præditi sunt, vere dij nominantur:* Zenophon in Cyr:

malicious

malicious poyſon againſt his *Excellencie*. It is a Riddle to many, ſeeing the *General* (as he confeſſeth himſelfe) hath been ſo real and helpfull to him, & never wrong'd him at any time (*unleſſe it were to quench the ſeditious fire which he endeavoured to kindle in the Nation) what ſhould be the cauſe of his ſpeciall ſpight and malice againſt him: But here wee ſee it to be true which a learned man well obſerves, **That it doth not alwayes come to paſſe in taking away the occaſions, the effects doe ceaſe*: for this man hath not ceaſed his rayling and falſe accuſations againſt the *General*, though all occaſions have been taken away both firſt and laſt. The Crow followes the Eagle with crooking, and daring him as it were: but the Eagle lets her alone, keeps on his courſe as ſeeming not to obſerve her: Whoſoever ſhall read Mr. *Lilburns* books publiſhed, either before he went into *Holland*, or there, or ſince his return, may perceive what the mans intent and deſire is; namely, by daring and inſolent words, to provoke the *General* to ſome perſonall quarrell with him, and to become his Enemy whether he will or no Now whereas in all this, the *General* is ᶜ ſilent, lets him alone, ſeemes to take no notice of his falſe aſperſions, but exerciſeth patience, as in reference to himſelf and his own particular wrongs: in this (we ſay) he Acts according to a Chriſtian, and ſhewes one of the beſt and choiceſt qualitie and vertue belonging to a *General*. Neither in this doth he walke alone, but men in the like place of power and command have don before the ſame: Of *Theodoſius*, *Arcadius*, and *Honorius* we read, that they would have [no man puniſhed for ſpeaking evill againſt

* And if the *General* had not don ſo, it might have been ſaid, (and no leſſe could have been expected) *Barbarus heu cineres inſiſtit victor et urbem Eques ſonante verberabit ungula: The victor rude upon our graves doth tread, our Citie is with trampling horſe orelaid.*
* *Guicciar: hiſt. l.* 1.

ᶜ *Nihil eſt laudibilius, nihil magno & præclaro viro dignius placabilitate atq; clementia.* Cic:

their perſons. [d] *For* (ſay they) *if the thing proceed of raſhneſſe, it is to be contemned, if from madneſſe, it worthily deſerves to be pitied: if of injury it is to be forgiven.* So *Titus Veſpatian*, though a heathen, yet went beyond moſt men this way, as thinking that [e] *No man by his tongue could doe him hurt, or faſten a reproach upon him, as not doing any thing whereby men might juſtly ſpeake evil of him, and for what they ſpake falſly and untruly of him, he regarded it not.* We doe not ſpeake this, as if the Law hath not made proviſion againſt ſlander, we have formerly ſhewed the contrary, but in that the *General* hath hitherto been dumb and not opened his mouth, as to Mr. *Lilburns* perſonal abuſing and reproaching of him. In this we thinke he hath don very well, and therefore doe mention ſuch good Examples of other [f] *Great men*, who have don the like before.

Having ſhewed what Mr. *Lilburn* hath Acted againſt the *Parliament*, the Lord *Fairfax*, the *General*, and chiefe *Officers* in the Army: we come now to ſpeake of the End, or his Grand deſigne therein. As the Pope firſt makes Princes Hereticks, then Excommunicates them, and afterward abſolves the Subjects from their Alleageance to them: [g] So deales Mr. *Lilburn* with our State: firſt he makes the perſons of our Governours, *Tyrants*, *Murtherers*, *Theeves*, then *Excommunicates them*, and [h] *cuts them off*, *as being no lawfull Authoritie.* Afterwards proceeds *to Abſolve and ſet Free the people from yeelding obedience any more or further to them.* But howſoever, in one thing here, he is worſe then *the Man of ſin*, and ſhewes himſelf

[d] *Quoniam ſi illud ex lenitate proceſſit, contemnendum eſt: ſi ex inſania, miſeratione digniſſimum, ſi ab injuria, remittendum.* Lumi Sequis Imp: Meled: lib. 9. Cod: Tit. 7.

[e] *Nemo me injuria officere, aut inſequi contumelia poteſt: propterea quod nihil ego quod reprehendi mereatur: ea verò quæ falſo de me dicuntur, proſus neglig. Melior eſt venia quam vindicta. Perdere poſſe ſat eſt, ſi quem juvat ipſa poteſtas.*

[f] *Quo quiſque eſt major magis eſt placabilis ira: & faciles motus mens generoſa capit.* Naſo Trift. l. 3.

[g] We read of one *Monarcho* a frantick *Italian*, who imagined that all the Kings of the earth were his Vaſſals: ſurely if *Lilburn* be not a mad man, yet in his practice he is little leſſe.

[h] *Quere*: Whether *Lilburn* can prove that he can doe all this lawfully, by *Magna Charta*.

himself to be more, the *lawlesse one*: For we doe not find that openly and avowealy the Pope doth desire, that those Princes declared Hereticks, and Excommunicated by him, should be by the people afterwards murdered and put to death: what he secretly and closely doth is another thing; But such [i] *a bloudie Tenent* is avouched by Mr. *Lilburn*, that whomsoever he makes *State-Hereticks*, and *casteth out*, are to be destroyed (*Quicunque vult*,) [k] *whosoever is able may lawfully doe it:* and so much we shall prove from his own mouth, with the several wayes which he hath used to effect it.

1. By instigating the people [l] *Unanimously to resolve and engage one to another*, [m] *not to side nor fight for the Cameroes foliries and pride of the present men in power: But to* [n] *apprehend them as a company of theeves and murderers, and for their present usurpation having plucked up by the rootes all legall and visible Magistracie in the Nation: yea and justly may they be dispossessed by the first that are able to doe it. O famosum spectaculum*, said *Hannibal*, when he saw a pit of mans bloud: so *Valesas* when he had slain thirty persons, *O rem regiam.* The proverb went of *Draco*, that he wrote his Lawes not with inke, but the bloud of men: It seemes nothing will satisfie this man, but [o] *destruction of Authoritie.* Againe, *Souldiers as well as others*, are called upon, *to* [p] *rise up against the Parliament, as so many professed Traytors, Theeves, Robbers, and high-way men, and to apprehend, secure* [q] *and bring them to Justice in the next Representative:* This is cald, [r] *a com-*

[i] Speaking of himselfe he saith; *My soule abhorres to doe that which doth not become a man of gallant noble & heroick mind.* And in another place, *He will not be single but double.* *John Lilburn.* Doth he not here make his sayings good?

[k] Impeachment. *pag.* 7.

[l] A Declaration of the free Cõmoners of *England*, touching their Engagement.

[m] Fundamental Laws, *p.* 42.

[n] Fundament. *p.* 41.

[o] Had his treason taken effect, *England* might have said; *Venit summa dies: & ineluctabile tempus dardanie: fuimus Troes fuit ilium & ingens gloria Teucrorum: ferus omnia Jupiter Argos transtulit: Incensa donai dominantur in urbe*, Virgil: Æneid. lib. 2.

[p] Picture of the Councel of State, *p.* 14.

[q] *Galen* speakes of a maid called *Nupella* that was nourished by poysons: it seemes the poyson of Treason will not hurt this man.

[r] A Declaration of the Free Commoners of *England*

ing.

ing into the way, and ſetting themſelves with the utmoſt courage and Reſolution to free their diſtreſſed Countrey from the feares and captivitie it now groanes under. Was there ever [r] greater inſolencie offered to a State, or more deſperate Treaſon ever ſpoken? Among the *Virginians* he is the moſt gallant, that is the moſt monſtrous to behold: It is no marvaile that Mr. *Lilburn* by ſome, is ſo much commended as to be (*Iſte vir*) *a Nonesuch*, ſurely there is hardly another that is ſo *monſtrous* in ſeeking to embroil the Nation in bloud. But let us ſee how this is to be effected: the manner and way: Thus it is ordered: *We reſolve with our* [t] Burford *Friends, or their Commiſſioners (running all hazard) to methodize all our honeſt fellow-prentiſes in all the Wards of* London, *and the out-pariſhes, to chooſe out their Agents to joyn with us or ours: to write Exhortative Epiſtles to all the honeſt Freemen in* England *in all the particular Countries thereof: to erect ſeveral Councels among themſelves, out of which we ſhall deſire and exhort them to chooſe Agents or Commiſſioners (impowred and Intruſted by them) ſpeedily to meet us and the Agents of all our Adherents at* London, *reſolutely to* [u] *conſider of a ſpeedy and effectuall method how to promote the Election of a new and equal Repreſentative or Parliament.* Thus he.

Howſoever this was a cunning deſigne, and the more likely to take effect, by reaſon he had before rendred both the Parliament and Army, odious to the Nation: Nevertheleſſe the Lord in much mercy to his people fruſtrated it; to the ſhame of the Authour whilſt he lives.

But 2. The former deſigne not taking effect: the *of God:* as they ſadly confeſſe in their Petition to his *Excellency, ſubſcribed*

next

[r] The idols of the *Saincts* have their mouthes and eyes bloudie: ſuch a countenance hath this man, fierce and terrible to looke on.

[t] *An Outcry of the young men and Apprentiſes of* London, *pag* 9, 10.

[u] Sugred poyſons go down pleaſantly, oh but when they are down they gal and gnaw and gripe the very heart-ſtrings aſunder, if there be not extraordinarie remedie: Thus it was with thoſe *Burford* Souldiers, who by his occaſiõ chiefly, were drawn to mutinie, ah how heavy did the remembrance of their former ſin lie upon their conſcience, as *rendring them liable to the wrath and diſpleaſure of God:* as they ſadly confeſſe in their Petition to his *Excellency, ſubſcribed by* 340.

next was, to make division between the Parliament and Armie, as sometimes reproaching the Parliament to the Armie, otherwhile slandering the [x] Armie to the Parliament: thus like [y] *a make-bate* or *firebrand*, whilst he goes between them two, seekes by sowing sedition to ruin them both. It is said of *Cato*, that he would usually make contention between his servants, and keepe them so, because he thought their agreeing together would be some hurt and damage to him; Mr. *Lilburn* well knew, it was an obstruction to his Conspiracie, whilst the Parliament and chiefe Officers in the Armie held a good [z] accord: And therefore night and day endeavoured to sow dissention between them. Hence it was that he and his Confederates petitioned the Parliament, that they would [a] *appoint a Committee of their own Members, to heare, examine and conclude all controversies, between Officers and Officers, and between Officers and Souldiers.* Could there be devisd a stratagem more mischievous and treacherous then this? to set them at variance, to the prejudice of both, and ruin of the Nation.

Againe, [b] *It is* (saith he) *as visible as the Sunne when it shineth in his glory and splendor, that* Korah, Dathan, *and* Abiram, *of old were never such Rebels against Authoritie, as the General and his Councel are, nor the* Anabaptists *at* Munster, *with* John *of* Leiden *and* Knipperdullion, *were never more contemners of Authoritie, nor* Jack Straw, *nor* Wat Tyler: *nor all these famous men mentioned with a black pen in all our Histories, and called Rebells and Traytors, can never be put into any*

[x] See *England's* new Chaine first & second part, where so much is practised to the full.

[y] Note a speech of M. *Lilburns*, *He that would not have others to have Law, why should he have any himself? why should not that be don to him that himself would have don to others? Preparative to hue & Cry, p. 7* He hath sought without Law to murther other men, *Ergo* He hath endeavoured by falshoods and slanders to undoe others, *Ergo, Heu patitior telis vulnera facta meis.*

[z] He knowes that *discordia est ordinii Reipublicæ venenum*, & therefore spirs it at every word.

[a] *Englands new Chaine, pag. 6.*

[b] Wee have mentioned this before now,

the truth is, such rayling & base language he never durst have used but *sic impunitatis magna est peccandi illecebra.* Tull: pro mil.

Scale

scale of equall ballance, *for* [c] ALL MANNER OF REBELLIONS AND TREASONS AGAINST ALL SORTS AND KINDS OF MAGISTRACIE *with the General and his Counsel*. It is said of one, That he had the best weapons, but did the least Execution: no man (no not any of the Traytors and Rebels whom he names) ever went beyond him, namely, in seeking to have put the Common-wealth into warre and bloud: but praised be God, [d] his wickednesse hath not prospered, which is no smal vexation to him and his partie. It is wel observ'd of [e] *Lipsius* (and true here) *Many ambitious men (being private and of little worth) are mutinous and seditious in the Common-wealth, as having no hope but by divisions and discord to raise themselves*. But in the meane time it is forgotten, that

——Raro antecedentem scelestum,
Deseruit pede pœna claudo.

Seldome Revenge, though slow of pace
Leaves ill forgoing men to trace.

3. And *a threefold Cord is not easily broken*. Mr. *Lilburn* well perceiving how much it conduced, to the safetie both of the Armie and Nation, whilest there was peace and concord between the Officers and Souldiers: for by this, they [f] *remaine strong and unconquerable, whereas disagreeing, they were unwarlike, weake, and easily to be overcome*: he puts himselfe therefore among the Souldiers, and here he leaves [g] no stone unturn'd, no path untroden, no meanes

[c] *Machiavel* Doctrine is, *He that will effect any thing by slanders and falshood, must charge home*, which *Lilburn* hath learnt it *ad unguem*.

[d] Hitherto the pit which he hath digd for others, he hath fallen into himselfe: and justly; for *Qui vendit vanos circum palatis, fumos subdolus: hunc fumo nonne perire decet?*

[e] *Ambitiosi aliquot homines qui privatim degeneres, in publicum exitiosi, nihil spe, nisi per discordias habent.* Lips: polit. l. 6. c 4. p. 266.

[f] *Concordes fueritis validi invictiq; manebitis: si verò discordes, imbelles, & imbecilles facilesq; expugnatu futuri.* *Plutar.* Again, *Concordia Victoriam, discordia præbet excidium.* Tiresias.

[g] But here *Lilburne* cannot say, *Labor omnia vincit*: But *nihil labor, aversante furtuna, prodest.*

unattempted

unattempted to deſtroy the Soulderie, by making diviſion. To follow him here in all his windings, turnings, and cloſe Conſpiracies, it is unpoſſible (*ſurgunt de nocte latrones*) what is come to light, we ſhall onely report.

1. He and his Confederates cry out to the Soulders to revolt and caſt off their Commanders [h]. *Let not the covetous, the proud, the blood-thirſty men ſway over you, feare not their high lookes, give no eare to their charms, their promiſes or tears, they have no ſtrength without you.* FORSAKE THEM, *and they will be ſtrong for good, adhere to them, and they will be ſtrong to evill.*

Again, *Thoſe proud hypocriticall Officers that are amongſt you, that are againſt freedome, and would do the worke of the Lord by halves.* PUT THEM OFF, *and chooſe honeſter in their room, and the only way is to take down their great pay, and let them ſerve as you.*

And a little after; *If you be wiſe,* [i] *march not out of* London, *nor undertake for* Ireland, *or any other ſervice, till there be ſet up a new Repreſentative of the Army.*

Is there not here good counſell? could there be worſe broached by any Malignant of the Kings party? or the moſt treacherous Enemie wee had in the world, as tending more to a publique ruine? No marvail Mr. *Lilburn* is ſo hug'd by [k] Cavalliers, and taken into their boſom, hee having acted for them, and againſt us more treacherouſly then any among them ever did, or durſt.

[h] The bloody project, p. 14. Juglers diſcovered, pag. 12.

[i] The Souldiers which ſerved *Marcus Antonius* ſell unawares on an hearb which greatly diſtempered their heads. Mr. *Lilburn* projects among the Souldiers was ſome ſuch hearb, for it put them into ſuch a frenzie as they forgot their duty both to God and their Country.

[k] No doubt but his *Junie*, both the former and later know this wel enough, and

therefore could not in their Conſcience find him guilty, to wit, for doing that which themſelves would have done, but that *Oderunt peccare mali formidine pœnæ.*

But again, [l] *all Engliſh Souldiers* (ſay they) *that have the leaſt ſparke of* [m] *true love to themſelves and their Countries freedome, are bound to unite themſelves againſt thoſe Apoſtates, thoſe Juglers and Traytors to the people, thoſe that are the Levellers indeed: For what have they not levelled? There is no truſt or confidence any more to be had in them, for they have broken their faith with all parties.*

Thus are the Souldiers ſtirred up to inſurrection: And as tinder doth eaſily kindle, when fire comes to it, ſo were the Souldiers (at leaſt many of them) ready to mutinie aſſoon as thoſe *Fire-brands* of his were thrown in amongſt them [n]. *By this means many of Commiſſ. Gen:* Ireton *and Col:* Scroops *Regiments were occaſined to revolt and caſt off their Officers* (*an act not to be paralleld*) *and as their buſineſſe began to grow to a head, they ſent their Emiſſaries and Agitators to all parts* (*as we have good intelligence*) *pretending from one Regiment to another, that each Regiment had declared, that ſo by that Artifice they might draw each to declare. To the Forces in* Wales *and in the Weſt they gave aſſurances that the Forces about* London *would revolt; and to thoſe about* London, *that thoſe in* Wales *and the Weſt would do the ſame: And to the Forces in the North uſed they the like Arguments, and nouriſhed alſo the diſtemper of the Forces in the South.* But

[l] The hunting of the Foxes, p. 24.

[m] *Aliquid latet quod non patet.*

[n] *A Declaration of the proceedings of his Excellency*, p. 6.

But thoſe Souldiers in following the treacherous counſell of *Lilburn* and others, repented for it at laſt: Note what they ſay in their Petition to his Excellency ſubſcribed by 340. *Your Petitioners are very ſenſible of the odiouſneſs of our fact how liable it renders us to the wrath and diſpleaſure of God, how deſtructive the ſame might have beene to the being of the Nation, and the good and welfare of the other two, and therefore cannot but acknowledge the ſentence of death paſſed upon us by your Excellency and the Councell of Warre very juſt and equall.* And a little after: *It will very much magnifie your Excellencies Chriſtian temper in receiving ſuch deteſtable offenders to mercie. Fœlix quicunque dolore Alterius diſcit poſſe carere ſuo.* Tibul.

Quo,

° *Quo, quo Scelesti ruitis? aut cur dexteris*
Aptantur enses conditi?
Parumne Campis, atque Neptuno super
Fusum est Britanni sanguinis?

Ah wretches! whether hast you, to what end
Do your right hands to sheathed swords descend?
Is there so little yet of English blood
Powr'd on the Champion fields or Ocean flood?

° Hor. Epad. 7.

Was not here a fire kindled, and likely to have been a flame, in which our liberties, proprieties, and lives had even at once been consumed to ashes? As the clock never stands still from running so long as the pieces and plummets hang thereat; such a thing was Master *Lilburn* in the Armie, a constant MOVER of the souldiery to sedition in one place or other. But to proceed.

These souldiers being revolted, hereupon P *they unanimously declare* (no otherwise then as they had been taught) what was the end of their Conspiracie and Insurrection: Namely, *to free themselves out of the hand of Tyrants. All their endeavour shall be for the setling of this poor Nation, and the restitution of their shaking Freedome.* (The same pretences which *Jack Straw, Wat Tyler, Cades* and the *Munster* Rebels used) *They are forced* (here they left out Mr. *Lilburn* and some others, whom they might have nam'd as the *Forcers*) *to deny obedience to such tyrannicall Officers, whose unsufferable proceedings tend manifestly to*

P *The unanimous Declaration of Colonell* Scroops *and Commissary General* Iretons *Regiments at a randezvous at old* Sarum, *May* 11. 1649. Note Reader, how many falshoods are here declared in a little. 1. It was an untruth that they were sensible of the peoples burdens, for then they would never have taken that mutinous way whereby to put the Nation to more charge. 2. It was untrue that they regarded the sad condition of *Ireland*, for they were the principal men that refused, and discouraged others from going. 3. It was an untruth that they sought the peoples case; for they sought themselves, as to fish in troubled waters.

the obſtruction of peace, the hinderances of reliefe from Ireland, *the inſlaving of the conſuming Nation. And howſoever they ſhal be burdenſome to ſome places and perſons for meat and drinke, yet that may be well born withall, ſeeing they ſeeke the peoples eaſe* * *and their freedom from thoſe intollerable burdens lying on their ſhoulders whereof they are very ſenſible.* Thus they.

* Birds in the Fable, ſeeing the Fowler with Beads in his hand, and his eye looking up to heaven, are ſaid to ſpeake one to another: *We muſt not regard his eyes nor his beads, but the blood & rapine that is in his hand.* The moral is rightly applicable to theſe men.

Timotheus, *Alexanders* Harper, when his Maſter was at a Banquet, plaid ſuch an *Allarm* or *aſſault* as cauſed the King to forſake the *Banquet*, and take his Armour: ſo that his ſpirits remaining vanquiſhed or overcome, he was conſtrained to obey the *harmonie* that proceeded from the inſtrument. The Reader may here perceive, how to the life Mr. *Lilburn* and that party can skilfully play an *Allarm of Rebellion unto the Souldiers:* For as overcoming thoſe low ſpirits, they have been in a manner q FORCT to caſt off their *Commanders*, and to follow the charming Muſick which they have made: And it will not be amiſſe if we here ſet down ſome particulars whereby they have occaſioned the Souldiers unto ſuch Revolts.

q According to their ſaying before.

1. As it is truly ſaid, r *their foundation was laid of lies and falſhood, wherein they have not been inferiour, if not beyond thoſe Enemies we had laſt to deale with.* He that ſhall peruſe the very worſt which hath bin ſpoken or publiſhed againſt any *Army-Officers* in any age of the world, ſhall not find more ſcandalous, horrid, and baſe things charged upon any, any where then Mr. *Lilburn* and his party have caſt upon ours, whom the Lord hath moſt eminently honored & bleſt by his preſence with them whereſoever they went. As *Nero*, when hee hurled the Chriſtians

r *A Declaration of the proceedings of his Excellencie*, pag. 6.

s *Male facere qui vult, nuſquam non cauſam invenit, & canem ut cædas facile invenias baculum.*

Christians to dogs, seeing the *Mastives* would not touch them, he clad them in Bears skins, to kindle the fury of the dogs, that they might take them to be beasts and not men. Just so hath been their practice, to set the Souldiers (as dogs) on their Officers, to devour and tear them in pieces; first they would cover them with the *Bears skins* of their false and slanderous tongues, as not regarding what they said, nor how untrue their accusations were, so they might trouble and disquiet the minds of the Souldiers, and move them to faction. And to say the truth, so [t] excessive have their tongues and pens been let loose in this way of slander, that had not the Souldiers evidently seen, and been satisfied, what was reported of their Officers was false and scandalous, and taken up as a design to divide the Armie, there could not have been that lasting agreement between the Commanders and Souldiers as there was.

2. In carrying on of their stratagem to divide the *Armie*. Their practice was, when any of the Souldiers (hearkning to their [u] Counsell) acted any thing treacherously and dangerously against the Army, highly to commend and justifie such mutinous and seditious persons; calling them [x] *honest and worthy Souldiers*, *the good men in the Armie*, *the honest Nown-substantives* [y], *men most conscientious*, *and cordially acting for Common-good*, *and resolved to stand for true Libertie* [z]. *Our true* Burford *friends*, *who were treacherously and wickedly defeated.*

Thus, how seditious and dangerous soever their doings are, nevertheless, to the end, *the worke of darkenesse* may goe forward; these Master *Lil-*

[t] The truth is Mr. *Lilburn* with his tongue and pen hath bin such a constant slanderer, as few (Malignants excepted) but have counted him a most seditious person, and amongst the godly that know him, was cast out as unsavory salt. It had bin well for him, had he remembred *Omnia si perdas, famam servare memento: qua semel amissa, postea nullus eris.*

[u] *Bonitatis verba imitari major malitia est.* Publ.

[x] *English new Chain, second part*, p. 14. 9.

[y] *Peoples Prerogative*, pag. 42.

[z] *An Out cry of the young men*, pag. 12.

burn-

burn [a] *stroaks*, and calls them *honest men*, *his true friends* (as encouragement and reason enough) *to forsake and cast their Commanders off*. It was a great honour to *Achilles*, that his *Deeds* should be commended and set forth by such a man as *Homer*: who would not raise sedition in an *Armie*, refuse to obey the just Commands of Superiours, make head against their Generall, being certain of Mr. *Lilburns* pen and hand, ready to defend it, and to justifie it to the world, though *an act not to be paralleld*, (as the Generall truly said) *for the horridnesse of it*.

3. To make good what we have before asserted, *viz.* that *none have more endeavoured by division to destroy an Armie, then Mr.* Lilburn *Cum Socijs*, *have sought to ruine OURS*. This appears further by their urging and instigating other Souldiers, when their fellow-souldiers, for causing sedition have been justly punished, to take severe revenge for it presently upon their Officers [b]. *Is it not a shame* (say they) *that your fellow-souldiers should undergo so slavish, so* [c] *severe, and painfull punishment, as to ride the wooden Horse, or to run the Gauntlets, and be whipt for small particular offences: and that* [d] *you should suffer in the mean time your Officers and Commanders to turn Tyrants, and never punish them at all for it. Is this to take up Armes? when one man being your Commander, may* (*as the proverb saith*) *steale a horse, and you will hang a private Souldier for looking over the hedg?* For *what comparison is there between a private Souldiers offence, and an Officer turning a Beare, a Wolfe, a Tyrant.*

Againe, *suffer this, and suffer any thing; Experience*

[a] Whilst an Asse is stroaked under the belly, you may lay on his back what burden you will. Mr. *Lilburn* knew how to make Asses of some souldiers, hee stroaks them with one hand, & calls the *his white boyes*, & with the other hand loads their shoulders with the sinking burden of Rebellion.

[b] *The English souldiers Standard*, p. 8.

[c] It is the *Jesuites* doctrine that he dies a Martyr that dies for his conspiracie & Treasō against the State. M. *Lil.* though no profest Jesuit teacheth the same: But no Jesuit hath openly declar'd himselfe such an enemie to this State as he hath done.

[d] He blames such Souldiers of whom *Lucan* speaks, *Nulla fides pietasque viris, qui Castra sequuntur, venalesque manus.*

shewes,

shewes, he that takes one [c] *box on the eare invites another; and when Souldiers that should be men in all things, stand still and suffer their fellow-Souldiers to be thus abused, by a pack of Officers, no marvail if their Officers turn Tyrants, presume to doe any thing to any man.*

Here let the impartiall Reader judg, how marvelously the power and goodnesse of God hath appeared in the preservation of our Army: *Jehovah Jireh: In the mount the Lord was seen.* It is true, our deliverances many wayes have been wonderfull, but in nothing [f] more (all circumstances duly considered) then in confounding continually the pernicious plots of those seditious men. Rocks covered with water are more dangerous to Mariners, than such as stand obvious and open to their sight: By how much the Conspiracies of Mr. *Lilburn* and others against the Armie, have been subtlely cloathed with the spetious and plausible pretences of *Justice, love to the Souldiery, safety to the Nation, publique good*, &c. by so much the more have his designs (as Rocks under water) been pernicious and destructive to the Army: And *divine providence* the more seen in preserving the same, that it was not totally broken and scattered thereby.

4. That nothing might lie in the Souldiers way to rebellion, but doe it freely and without fear. In stead of a *Court-Marshall*, Mr. *Lilburn* appointed a *Committee of Indempnity*, whereby all Souldiers are acquitted as not to suffer for sedition or any other Crime. [g] *There is now no Marshal-Law, but its absolute murther in the Generall and Councell of War to put any Souldier to death for any crime or offence whatsoever:* [h] *Souldiers onely are punishable in the Courts of Justice, and according*

[c] Note how he boasteth that he gave the Parliament *such a cuff under the eare, as they will not shake off the pain and smart of it:* but this they must suffer, only privare souldiers must resist, and not suffer any thing, how justly soever they are punished.

[f] Considering that of many Souldiers it may be said, *Nihil esse utilius aut opportunius quam in aqua turbida piscari.* Again, *Non aliter salvos & incolumes se esse existimant, nisi in publicis calamitatibus.*

[g] The peoples Prerogatives, *pag* 53, 54, 55, &c.

[h] The hunting of the Foxes, *p.* 18.

according to the Laws and Statutes of the Kingdom: so that the [i] *Councell of Warre hath no more right to inflict Justice then a Thiefe or a Robber hath to a purse which he takes upon the high way.*

Excellent doctrine! and no doubt it is [k] his own, it looks so like him: but here Mr. *Lilburn* runs [l] faster and beyond his fellows, for we do not find that any former Incendiaries (how dangerous soever) have denied the exercise of *Martiall law* to an Army before. When the *Jesuites* perswaded a Villain to murder the Prince of *Orange*, for encouragement they assured him that he should do it invisibly, and escape as not being taken. M *Lilburns* [m] plot is little lesse *Jesuiticall*; hee tells the Souldiers there is no *Martiall Law, no Councell of War*, what danger then *to revolt? to cast off all Command, neglect duties, make uproars and tumults in the Nation?* As for other Courts, in this case [n] Mutineers will little regard them.

Thus we have shewed what mischiefs to the Nation (by using others as his instruments) hee hath attempted to do. We come now to declare wherein his Designs and Resolutions have been far worse, and more abhominable, even so inhumane and barbarous, as no tongue or penn but his owne would have durst to set them forth to the world: And this concerns his designs and resolution to [o] murder and massacre such persons (we speak here of his intent) who have disliked his treacherous plots, and from time to time endeavoured to hinder the execution of them.

[i] A Letter written to the General by Lieut. Colen. *John Lilburn*, and Mr. *Rich. Overton*, *April* 27. 1649.

[k] Take notice of the reason wherefore M. *Lilb.* (though he conceal it) would have *Martiall Law* and the *Councell of Warre* dissolved: hee knew by the Articles of Martial Law, *Whosoever shal utter words of sedition, or tending to the making of a mutinie, shall be liable to a sentence of death.*

[l] *Pœna gravior gravius peccantib. debetur. Augustin.*

[m] It is no good principle, for *bonus nocet quisquis pepercerit malis.* Again, *Qui punit injustos in alios fit injuriam prohibet.*

[n] Witnesse Mr. *Lilburns* first and second Tryall, in both which he was quitted by the Juries, though as great a mutineer as hath been known in any age. As the victories wonn by *Alexander* and *Julius Cæsar* are not to be attributed so much to their valour, as to the condition of the people in those dayes: so Mr. *Lilb.* escaped not by his skill in Law, or truth on his side, but through the fault and errour of his Juries. [o] *Ubi est fervida vindicta, non est temperata justitia.* Cassiodor.

1. For

1. For Sir *Arthur Haslerigg*, what he meant to do by him, as to the taking away of his life, he hath published it himself: [p] *Meeting Mr.* Pearson *at the* George *in Channel-Row*, this message by him he sent his Master: *As he loved his Masters life and welfare, I intreated him* (saith he) *to tell him I wore a good Dagger by my right side, and a good Rapier by my left side, & if within eight dayes he did not send me all my money, or give me some rationall satisfaction, let him looke to himselfe, for after that day where-ever I meet him, I would pay him for altogether, though I were cut in a thousand pieces on the very place.*

Judge READER, are these the words of a Christian, or rather a Heathen, and one that seeks nothing but himself and his own Interest? what would this [q] fellow do had he [r] power in his hand, that threatens thus to stab and kill, in reference only to his own particular Case.

The cruelties and infamies of *Caligula* are imputed to the Nurse that gave him suck; the which being cruell and barbarous of her selfe, rubbed the ends of her breasts with blood, causing the child to whom she gave milk, to suck them. Whose milke this man suck'd we know not, [s] but this is certain (if *out of the aboundance of the heart the mouth speaketh* [t]) he hath taken in so much self-revenge, and seeds of crulty and murder, that (like another *Caligula*) the peace of a Nation, and safety of mens lives lie at the stake, where he hath Freedom to act according to his Resolution.

[p] A just reproof to Haberdashers Hall, *pag.* 6.

[q] If a State in a prudentiall way will not suffer devouring Beasts to be at liberty, whereby mes Cattell might be destroyed: More carefull should they be of shutting up such beasts who openly declare, that they will stab and kill such men as refuse to do what they require of them.

[r] *Sic volo, sic jubeo sit pro ratione voluntas.*

[s] *Dicearchus* set up two Altars, the one to *Cruelty*, the other to *Iniquity*, upon the which he sacrificed and prayed as to the gods:

[t] It is without all peradventure, should this man and his party once rule, they would make such Lawes as might well bee caled *Officina scelerum & carnificina sanctorum*, shops of wickednesse, and shambles of the Saints.

whether *Cruelty* and *Iniquity* be not his great *Diana*, let the Reader judg.

But 2. concerning his wicked intent to murther the *Lord Generall* Cromwel, [u] he hath openly avowed it to the world; that had it not been for the affection which he bore to his Wife and Children, and the assurance which hee had to see the Generals downfall without his killing of him, and himself an instrument for the restauration of *Englands liberties and freedom*, he had absolutely destroyed him with his owne hand before hee went into *Holland*. And that the Reader may be fully satisfied in the truth of this, we shall here set down his own words.

[x] *If it had not been for the strong affection I bore to her, and my poore babes (whom willingly I would not leave beggars when I dye) & for that I had some grounded assurance in my owne spirit that I should live to see his downfall, and the full restauration of our English Liberties and Freedoms, and my selfe be an Actor or Instrument to procure it without so apparant hazard to my life as such an Act would be, y. I had with my owne right hand at the House doore avowedly ended the quarrell betwixt him and me, and the rest of the free-born people of* England: *With a paper of Reasons in my left hand, ready to be sent unto the Speaker, and with severall others in my pocket, to justifie to the whole world the lawfulness and justness of such an Action, both by the lawes of God, Nature, and Nations.*

Wee need not [z] comment upon the speech, his unparallel'd wickedness is enough shewed by his own mouth: Notwithstanding, some things we shal infer from it.

[u] We have here fulfilled what a learned Author writes. *There is nothing endureth so small a time as the memory of benefits received: and the more great they are, the more commonly are they recompenced with ingratitude.* Guic. Hist. l. 4.

[x] Note that he makes mention of his intent to murder the Gen: in other places besides what he saith here. *Therefore my Lord, fit as full as you can in the strength of the Lord God Almighty:* (see how the wretched man prophanes the name of God) *have at you, if I perish, I perish.* As you were, p. 33.

[z] The wonderfull wisdom of God is to be seen here, that this mans tongue should reveale the wickednesse of his own heart, and that he should glory thus in his own shame, as counting it his grace to be graceless. [z] It went as a proverb of *Cranmer, Do my Lord of Canterbury an ill turn, and you shall be sure to have him your friend for ever.* If Mr. *Lilb.* continual treacherous dealing against the Gen: be considered, and his Excellencies readines notwithstanding upon all occasion to doe him good: It might be said of *Cromwel* as the proverb went of *Cranmer*. 1. Hence

1. Hence all men may clearly understand the end of Mr. *Lilburns* coming lately into *England*: Namely to effect what he had promised, *to the Duke of* Buckingham, *the Lord Hopton*, and others, [a] *which was for* 10000 *l. he would destroy the Parliament, Councell of State, AND THE LORD GENERAL, & settle* Charls Steward, *King of* England, *in his Throne in* England [b]. This upon oath hath been testified by divers, that *severall times he did declare, that either he would kill the Generall himself, or set one to do it, and declared this to be his intention upon his coming over.*

Now what rationall man will not believe all this to be true, seeing there is no more said by those Witnesses, then what himselfe (in effect before) professed he intended to do. For his declaring since to the contrary, it is not to be [c] credited; hee that will make no conscience to murther and destroy men, and ruine a Nation, will make less conscience of lying and to forswear himself. We may say here to Mr. *Lilburn* in another mans words, [d] *Thine owne testimonie which in another Case is of small weight, but this against thy selfe is of GREAT MOMENT.*

2. At his Tryall in the *Guild-Hall* at *London*, he mentioned a *Maxime in Law*, repeated several times in *Cokes Institutes*, *Actus non facit reum, nisi mens sit rea*; It is not the act, but the intention of the mind that declares the guilt.

Observe, how his owne mouth condemns him, neither is this without the singular [e] providence of God, that a design so desperate, dangerous, damnable,

[a] So much is testified by *Isaac Berkenhead, Jo: Titus, Joh: Bartlet, & Rich. Foot.*

[b] It is true, he denies all this, but he knows the old saying, *& in loco facere, & in loco loqui.*

[c] That proverb ordinary in *Rome*, mentioned by *Guiccard* l. 6. of the *Pope*, & the Duke *Valentynois* may be applyed to this man, *Hee never did what he spake, nor seldom spake as he meant.*

[d] *Testimonium tuum quod alienare leve est, hoc contra te grave, &c.* Tull.

[e] Here wee may see that Treason and murder will come to light according to the old proverb, *Quicquid nox celet, solis calor omne revelat.* It is desired that this may be Englished to Mr. *Lilburn*, for it much concerns him.

damnable, should bee revealed and brought to light, only by his own pen: And no doubt in much mercy to the Nation, as seasonably [f] to prevent the shedding of much innocent blood, which his malitious heart extreamly thirsted after, as we shall prove hereafter.

No marvail therefore that his restraint is [g] so grievous to the Malignants, and such plotting for his liberty, considering what his resolution was, (and to them well known) as to the overthrowing of this present Government. The which may serve put our State in mind.

[h] *Quid quisque vitet nunquam homini satis cautum est.*

What daily by us should avoyded be,
We cannot with sufficient heed foresee: [i]

3. Neither is it to be forgotten, how he did forbear (as he saith) *to murder the Generall, of an assurance which he had to be an instrument or Actor himself in the restauration of our Liberties and Freedom.* It is a true saying, [k] *Whosoever is naught in word, we may not think that his actions will be good.*

The truth is, we neither desire, nor expect any such [l] Instruments or Actors; we know the remedy here will be worse then the disease: For the [m] Libertie and Freedom which he talks so often of, we know what he means, *lacte gypsum male mixtum*, its to raise up new Wars and Commotions under such glozing pretences. But we are by this time too wel acquainted with his projects, as thereby to be deceived.

[f] *Ipse sibi nocet is alium qui lædere quærit.*

[g] Treason is loved, though the Traytor be not.

[h] *Hor. l. 2. Od. 13.*

[i] *Nemo diu tutus est, qui periculo proximus est.*

[k] *Quæ dictu sunt turpia, ne factu quidem decora puta.*

[l] We read in *Jothams Parable*, that the Bramble would be King, and *Lilburn* speaks often of *being Uppermost*. Now *Valer. Maximus, lib. 9.* describes such an one as wee might expect him to be, if *Uppermost*. *Crudelitatis horridus est habitus, truculenta facies, violenti spiritus, vox terribilis, ora minis & crudentis imperiis referta.*

[m] *Impia sub dulci melle venena latent.*

ceived. He hath learnt *tunc omnia jure tenetis, cum poteris Rex esse*; were he once [n] *Johannes Rex*, Chief in place and power, what might the Nation expect? we shall tell you, [o] a more cruell oppressor and persecutor (especially of men truly godly) would not be then hee: As the wolves (in the story) would have the sheep to put away the dogs, that so they might the sooner and easier devour them: so Mr. *Lilburn* hath attempted by others, and intended to do it himself; namely remove by murder such out of his way, who in a speciall manner do watch over the English flock, that hee might the more freely and fully destroy it.

4. This intended murder of his, confessed since by himself, leads us now (as by the hand) to the [p] Author or Instrument of those abominable and base Libels which are often thrown abroad, as to the instigating and stirring up of some desperate villain to the Assassination of the Generall and others in Authority. In former time, no *Libel* came from *Rome*, but *Parsons* presently was supposed and noised to be the Author; and the more vile, the more *Parson-like*: Such an opinion (and not undeservedly) is now amongst honest men concerning *Lilburn*; if they heare of a *Libel* against the State, it is generally thought and believed that he is [q] the Author; and the more seditious, treacherous, and barbarous it is, the more *Lilburn-like*, that is, the

[n] Mr. *Lilburn* in *Print* stiles himselfe *John Lilburn, Defender of the Faith.* An Alarm to the House of Lords in the Title page: Now seeing hee takes a Kingly title to himself, why might not *John of Leidēs* Title be added to it, *Iohānes Rex Novæ Hierosolimæ, Rex Iustitiæ super universū Orbem. John, K. of the New Ierusalem, King of righteousnes over the whole world.*

[o] *Sævum prælustre fulmē ab arce venit.* Again, *fulmen est, ubi cum potestate habitat iracundia.*

[p] In a Booke entituled, *L. Coll. I. Lilburn revived*, there are such villanous expressions (*as that he lookes upon the Generall as his grand Enemie, will not fight more against great nor small, but against him*, pag. 18, 19.) that whosoever shall read the same, may very well believe that all those scandalous Libels which are cast abroad, are by his occasion. [q] We shall here challenge Mr. *Lilburne* and his party; that they cannot produce such rayling, insolent expressions; and base language in the Libels of any *Seminary* or *Iesuite* against the English Government at any time, as wee can ordinarily shew in their Pamphlets.

more

more are they perſwaded that the Action is his: As knowing that *Parſons the Jeſuite* never intended worſe, nor acted more treacherouſly againſt the government then, then this man hath endeavoured by all the meanes and wayes he could deviſe, to deſtroy the Government now eſtabliſhed (we ſay) ever ſince we were a Common-wealth. As *Protogenes* no ſooner look'd on the *line* which hee ſaw in his ſhop, made in his abſence, but knew whoſe it was; *Apelles hath beene here* (ſaith he) *for no hand elſe could have drawn it.* Even ſo, if a man peruſe the [r] Libels which are made, he cannot but think, and ſay, *Lilburn hath been here, this is his worke*; for who but hee would write of *ſtabbing, killing, murdering*, things ſo inhumane and horrible, as no man that is conſcientious and honeſt, would retain a thought of ſuch wickedneſſe, much leſſe boaſtingly and pragmatically (as he doth) expreſſe the ſame, but only ſuch a one, as cares not what evill is committed, ſo it be to the ſatisfying of his malice and luſt.

But 3. Neither hath it been the reſolution of this man, to ſtab and kill particular perſons, but like an other [r] *Gnato*, that the world might wonder at him, and be afraid of him, it hath been in his mind to murder and deſtroy a great number of people, [r] a whole Parliament of men at one time, yea and as ſo many *Weaſels and Poulcats*. And that the Reader may ſee, wee doe not report any thing of him, but what he hath in the pride of his own heart openly declared, we ſhall ſet down his own words without ſubſtraction or addition.

[r] *Metuebant in me omnes*: in *Eunuch.*

[r] It is worth the noting what this man ſpeaks of himſelf. *I have the affections of thouſands of MINE HONEST and endeared Friends in* England, *who I know doe look upon me as a ſingle hearted honeſt, juſt, plain ſpoken* Engliſh *man, that hath been valiant & courageous for the regaining and preſerving their freedom & liberty; and if I ſhould looſe mine intereſt with my honeſt friends, I were but ſingle* John Lilb. *nothing at all conſiderable either to be loved or feared.* *Iohn Lilb. revived*, p. 9. See Reader how he is *double Ios & terrible Ioh.* and he muſt be valiant in ſtabbing and killing (at leaſt with his tongue) that hee may not looſe his intereſt with his honeſt Friends.

In

In a Letter to the Lord *Faixfax* (which is extant under his own hand) thus he writes: *Truly* (Sir) *give me leave to tell you without feare or dread, had I come, or could have got so many to have followed me, as would have enabled me, with my sword in my hand, to have done justice and execution upon these grand treacherous fellowes and Tyrants at* Westminster, *that have not only tyranniz'd over me, but the whole Nation, I should have made no more scruple of conscience with my owne hand to have destroyed them, then to have destroyed so many Weasels and Poulcats.*

The power of the *Spartan Ephori* was very great, but not to kill any man: Neither doth he find any Law for this in *Magna Charta, Cokes Institutes, Liberty of Rights*. Besides, he will not allow a *Parliament* to constitute *a High Court of Justice*, as that any man in such a way should be put to death, though never so great a Tyrant, Traytor, and Murtherer. Nevertheless (and mark it good Reader) [t] he can himself *without the least scruple of conscience, kill and destroy men as so many Weasels and Poulcats*, yea and without his *honourable Jury of* 12. *men*. This is *John Lilburn*, The Defender of the Faith, *the Great Assertor of the Fundamentall Lawes and Liberties of* England, *A sufferer for all free Commoners*.

After *Nero* had occasioned much mischiefe to the Common-wealth, he wrote to the Senate (like *Lilb.* when he held a paper in one hand to be sent to the *Speaker*, intending with the other hand to kill the

[t] It was a cunning trick which *Themistocles* was once taught by a man of *Lacedemonia*; that because they might not take the Tables away, wherein a law was engraven: he should therefore turn them up side down, which was as good as to take them away altogether. This is the trick which Mr. *Lilburn* hath learnt, though he cannnot take the Laws away, yet he can turn them up side down for example, if he be a Traytor, yet must he be tryed by 12. men of his own chusing. If another be an honest man (but by him judgd a tyrant) he may kill him, for the Tables are now turned

Generall)

Generall) [u] *Accusing some persons whom he had murdered, to be turbulent and factious men, and that hee had a marvellous care for the peoples safety; yea all the cares were nothing in regard of his love to the Countrey, & that he had seen the sad countenances of the Citizens, heard their secret Complaints*, &c.

Whether *Lilburn* had ever seen this in *Nero*, and (*aspis a vipera*) learnt it of him we cannot say; but as good wits often meet, so that Tyrant and this (*Chius ad coum*) in their bloody designe are alike. For had he destroyed the persons, or any of them, (as he most wickedly intended) There was a writing to goe forth, wherein (as in Capitall letters) might have been declared thus.

WHEREAS I J: LILB. *LIKE* NERO *HAVE MURTHERED SUCH MEN, IT WAS BECAUSE I DID NOT LIKE THEM: FOR THEY WOULD NOT* [x] *HELPE MEE TO MONEY AND LAND AS I EXPECTED: BESIDE I HAVE HEARD THE SECRET COMPLAINTS OF SOME (AS TREACHEROUS TO THE STATE AS I AM) WHICH WOULD HAVE ALL GOVERNMENT AND AUTHORITY TRODEN UNDER FOOT AS WILLINGLY AS MY SELFE.*

Having thus truly laid open Mr. *Lilburns* [y] CASE AND CRAFT, we shall proceed now to his Tryall. And here we purpose to *Try his Tryers*, to the

[u] *Ad Senatum literas misit, de cæde Syllæplautiq; haud confessus: verum utriusq; turbidum ingenium esse, & sibi in calumniatem Reip. magna cura huberime: cunctas sibi curas amore patriæ leviores dictitans, vidisse civium mæstos vultus audire secretas quærimonias.* Tacit. Annal. *lib.* 14.

[x] Mr. *Lilburn* speaking of a method which he had a long time laid downe, which is to destroy *Generals*, *Patricians*, *Senators*, or *Parliament-men*, as the ancient *Romans* and *Grecians* did. He concludes thus; *Let my bloody and malicious Adversaries thanke themselves in not letting me alone to sit under mine owne Vine in Peace & quietnesse. Lilburn revived*, p. 10. Now 'tis out: we ever thought that he sought only himself, though many ignorant of his wiles, have been otherwise minded.

[y] Of certain turbulent spirits it is said, *Illis quieta movere magna merces videbatur.* Salust. *They thinke the very disturbance of things quietly established, are only sufficient to set them at worke.* The former particulars duly considered, this saying cannot be applyed to any man more truly then to *Lilburn*.

end

end it may appeare to the world how honeſt and conſcientious they were, and what Reaſons there are to continue *Juries by* 12. *men*, if the State meane to allow and countenance Treaſon any longer.

Firſt, for the *Act* declaring Mr. *Lilburns* Fact to be Treaſon, it was read to the *Jurie*. The words are as follow.

AN

ACT

Of the 14. of *May*, 1649. declaring what Offences ſhall be adjudged TREASON.

WHereas the Parliament hath aboliſhed the Kingly office in England and Ireland, and in the Dominions and Territories thereunto belonging, and hath reſolved and declared,

that the People shall for the future bee governed by its owne Representatives or Nationall meetings in Councel, chosen and intrusted by them for that purpose, hath setled that Government in the Way of a Common-Wealth and free State, without King or House of Lords. Be it therefore Enacted by this present Parliament, and by the Authority of the same, that if any person shall maliciously or advisedly publish by writing, printing, or openly declaring that the sayd Government is tyrannicall, usurped, or unlawfull, or that the Commons in Parliament assembled are not the Supream Authority of this Nation, or shall plot, contrive, or endeavour to stirr up, raise Force against the present Government, or for the subversion or alteration of the same, and shall declare

a Note how all men who have acted by the principles of Reason and Nature, have been ever more carefull by strict laws to stop the publishing of seditious book. Thus *Plato*, *Plutarch*, and the wisest of the *Gentiles* in their *models* and *plat-forms* of civill Governmēt have always given order that infamous writings should not be permitted, such as aspersed the Governmēt, & tended to mutiny and factiō, but the Authors thereof severely punished. *Famosi Libelli, convitia contumelia detractiones, publicæ, sunt a Magistratu coercendæ, ut pax inter cives maneat*, Plato. l. 11. *de legibus*. So *Plutarch*, *lib. de Civil. administrat.* Neither are there any Christian Statesmen but in their Republicks say as much: *Libellos famosos, sive pasquilles magistratus spargi prohibeat eorumque authores & disseminatores graviter coerceat.* Kerkerm. System. Polit. *l.* 1. *c.* 22. So our own Statutes: Seldom an Act was ever made concerning Treason, but there is mention made of scandalous books against the State. *Anno* 1 *Edw.* 6. *Cap.* 6. So *Anno* 8. *Edw.* 6. *Cap.* 1. *Anno* 1 *&* 2 Phil. & Mar. *c.* 10. *Anno* 1 Eliz. *c.* 6.

the

the same by any open deed, that then every such offence shall be taken, deemed, and adiudged by this present Parliament to be high Treason. And whereas the Keepers of the Liberty of England, and the Councell of State constituted, and to be from time to time constituted by authority of Parliament, are to be under the said Representatives in Parl. entrusted for the maintenance of the said Government with several powers and authorities limited, given and appointed unto them by the Parl. Be it likewise Enacted by the Authority aforesaid, that if any person shall maliciously and advisedly plot, or endeavor the subversion of the said Keepers of the Liberty of England, or the a Councell of State, and the same shall declare by any open deed, or shall move any person or persons for the doing thereof, or stir up the people to rise against them, or either of their Authorites, that then every such offence and offences shal be taken, deemed, and declared to be High Treason.

a How hee had denied the lawfulness of their Authority, & thrown scorne and contempt upon them is well known. *Qui peccantur coram omnibus, coram omnibus corripienda sunt ut omnes timent.* Aug. de verbis domin.

And whereas the Parliament for their juſt and lawfull defence, have raiſed and levyed the Army and Forces under the Command of Thomas, Lord Fairfax, and are at preſent neceſſitated by reaſon of the manifold diſtractions within this Common-Wealth, and invaſions threatned from abroad, to continue the ſame, which under God muſt be the inſtrumental means of preſerving the well-affected people of this Nation in peace & ſafety. Be it further Enacted by the Authority aforeſaid; that if any perſon, not being an Officer, Souldier or member of the Army, ſhall b plot, contrive, or endeavour to ſtirre up any mutiny in the ſaid Army, or with-draw any Souldiers or Officers from their obedience to their ſuperiour Officers, or from the preſent Government as aforeſaid; or ſhall procure, invite, ayde, or aſſiſt any Forreigners or Strangers to invade England, or Ireland, or ſhall adhere to any Forces rayſed by the Enemies of the Parliament, or Common-Wealth; or Kee-

b Geese if they chance to catch hold of any roote with their bill, they will bite and pull so hard to have it, that many times they break their owne necks withall, before they leave their hold. Never man pluckt harder then this man, *in plotting, contriving, and endeavouring to stir up mutiny in the Armie.* So that if this place of the *Act* had been duly proſecuted, he had broken his neck for his pulling.

Keepers of the Liberty of England. Or if any person shall counterfeit the great Seale of England (for the time being) used and appointed by Authority of Parl. That then every such offence and offences shall be taken, deemed, and declared by authority of this Parl. to bee High Treason: And every such person shall suffer pain of Death, and also forfeit unto the Keepers of the Liberty of England, to and for the use of the Common-Wealth, all and singular his and their Lands, Tenements, and Hereditaments, Goods and Chattels, as in case of High Treason hath been used by the Lawes and Statutes of this Land, to be forfeit and lost, provided allways that no persons shall be indicted and arraigned for any of the offences mentioned in this Act, unlesse such offenders shall be indicted or prosecuted for the same within one yeare after the offence committed.

Wee

We ſhall not here take in the whole buſineſſe, which (as [c] publiſhed) is an *homœologia*, one thing ſaid often over and over: but in ſhort this wee ſay, *That the Witneſſes and Proofes produced on the Commonwealths behalfe, were full and legall againſt Lieutenant Colonel* John Lilburn *in point of Treaſon:* And thus we prove it.

1. Howſoever the Statutes which he repeated, ſay, *That no man ſhall be condemned for Treaſon, petty Treaſon, or any ſuch like crime, but by the evident and clear proofe of two lawfull and ſufficient Witneſſes.* Yet the ſame Statutes do likewiſe ſay, *If the offender himſelfe confeſſe the Fact*, it is as much *as two*, yea as tenn Witneſſes: And this was Mr. *Lilb. Caſe*: TREASON CONFEST: *Thine owne mouth* (ſaith *Eliphaz to Job*) *condemneth thee, and not I: yea thine own lips teſtifie againſt thee.* For the Objection which hee made, that *there was no man there to ſwear it was his hand*; It was the vaineſt and abſurdeſt ſhift that could be deviſ'd: What need was there for the Councell of the Common-wealth to prove that, *which proved it ſelf*, or was [d] *it ſelf a proofe.* His name and hand was at the Treaſon, ſo that it lay now upon him to make his defence to it. A mans owne hand to a Writing, yea if it be his name at a printed booke, as the Author, it makes the thing to be underſtood (whether good or bad) properly & truly

[c] Namely in a book entituled, *The tryall of Liues. Coll: John Lilburn*, which he well approves of, and is willing the world ſhould ſee.

[d] Coke ſaith (we ſhall ſet down his own words) *Cardinall* Pool, *although he was a Subject to* Henry 8. *and of the Kings blood (being deſcended from* George *Duke of* Clarence) *brother to King* Edw. 4.) *yet he in his booke of the Supremacy of the Pope written about* 27. *H.* 8. *incited* Charls *the Emperour then preparing againſt the Turk, to bend his force againſt his Soveraign Lord and Country*: the *WRITING OF WHICH BOOKE WAS A SUFFICIENT OVER ACT WITHIN THIS STATUTE.* Note, that the State needed no more proofe to charge him with Treaſon, then finding his name at that Booke, as the Author: It was now for him to make his defence: here was Teſtimony on the Kings part enough, unleſſe he could quit himſelfe of the charge.

his.

his. For to this end are hands and names subscribed, as to speak out, a mans propriety, and what he owns: Neither is it necessary as to the certainty and truth of the thing, that there be any other proof or witnesse.

If it be objected, that a mans hand may be counterfeited, and his name set to a Book, as the Author, whereas its neither so, nor so.

We answer; here Reason, Justice, and Conscience hath provided a good Remedie, *viz. by declaring that it is not his*, wch ought in such a case to be admitted, nothing appearing or proved to the contrary. But for a man to set his name, and hand to a thing, and being afterward questioned for it, then to *call for Witnesses to prove that the name or hand is his*, it is most ridiculous, the thing it selfe being proofe and [e] witnesse enough (as was said) unlesse he now can shew reason to the contrary.

We observed before, how Mr. *Lilburn without the least scruple of conscience, could have destroyed some men as so many Weasels and Poulcats.* In this our Conscience hangs not so loose as his; For wee desire to walk according to the rules of Reason and Justice. But should there be seditious Pamphlets and Papers dispersed abroad, full of Treason, and tending to the ruine of the Common-wealth, with [f] *John Lilburns* name to them, as the Author; truly in such a case were we either his Judges, or of his Jury, and

[e] We grant that by law a man is not to accuse himself: that is, where no offece appears, there he is not bound to be witnesse against himself. But a mans name to a Book as the Author, is certainly a Witnesse: (And note it) we say a witnesse either true or false: so that a man is bound in this case to answer as to a witnesse, or rather witnesser. Neither doth he here accuse himself, but either clears himself of a false Accusation, or fals under a legall and valid proof.

[f] Some thought, that beause hee used to vaunt of his gallantry, that hee would have scorn'd to have said, *I doe not owne a jot, a line, a word, or sylkable of any of them.* But rather would have said its mine, and I will prove every *jot, line, word*, &c.

had

had him, and those scandalous books before us, we could (*without the least scruple of conscience*) think him worthy to be put to death: in finding his hand and name at the Treason (which wee take for confession) he not denying it, but [g] *standing mute*, onely *calling for Witnesses to swear the same* to be his, whereas the *Act* it selfe was proof and witnesse enough. The law saith [h] *Confession is beyond all other kinde of proofe.*

Among other Insolencies of the Jewes done to Christ, it is said [i] *when they had blind-folded him, they strook him on the face, and asked him, saying, prophesie, who is he that smote thee?* Just so would *Lilburn* serve the Parliament, and Army, having [k] smitten them with his venomous tongue, then hee asketh who did it? who call'd you *Tyrants, Traytors, Murtherers, Usurpers?* now here they must not say it was *Lilburn*, for he hath *b ind-folded them*, as how? with *Magna Charta, Cokes Institutes, Littleton, Plowden*, &c. All which as hee hath cited them and applyed them, were as a hood or vaile cast over the face, whereby a Traytor (as unseen) might thereby escape without just and condign punishment.

2. Neither alone was his name and hand set to the Treason, as to be the Author; but it was likewise proved by *severall, legall and sufficient Witnesses:* that Mr. *Lilburn* delivering a book with his owne hand to Mr. *Prideaux*, Attorney Generall, Entituled *A preparative to a Hue and Cry after Sir* Arthur Haslerig, told him at the same time: *that the Booke was h*, *and he would owne it*, and so much hee spake in the hearing of Coll: *Hewet, James Nutley*, and *Edward Radney*, all which upon oath testified so much at his

[g] Note Reader, how Mr. *Lilburn* is proved a Tray or by *Cokes Institutes*, whom he so much extolleth: he expressly saith, *where the party doth confess his offence, or is mute* (as Lilburn was) *he shall have Judgment as in case of high Treason.* Instit. l. 3. c. 1 p. 14.

[h] *Confessio superat omne probationis genus*, Bar. in l. *Si Confessus de Cust: Rerum.*

[i] Luk. 22. 64.

[k] Note how he brags of this himself: *I gave them* (saith he) *such a cusse under their other ear, as I believe they will never throughly shake off the smart and pain of it whilst Cromwels beastly & most grosse a horrinable tyranny lasteth.* As you were, *page 4.*

his Tryall. Beside, Mr. *Lilburn* hath since in another Book openly declar'd it: *That Booke* (saith he) *was proved at my Tryall to be mine, saving the Printers Errataes, which are many, called a Preparative to a Hue and Cry after Sir* Arthur Haslerig.

Now in this Book which he owned, & acknowledged himselfe the Author, the whole Treason whereof he was accused, and laid to his charge, is there *maliciously or advisedly published, by writing and printing*, &c.

For 1. there he expresly saith, [m] THAT THOSE MEN WHO SIT AT *WESTMINSTER* ARE NO PARLIAMENT, *either upon the principles of Law or Reason*, pag. 2. *An illegall thing*, pag. 4. *A Juncto, or pretended House of Commons*, p. 16.

Again, in the same Book he confesseth himself to be the Author of *the Impeachment of high Treason against* Oliver Cromwel, *and* Henrie Ireton, *Esquires*, pag. 2, 3. 14, 15. 21. 24. So the Author of another Book called the *Picture of the Councell of State*, pag. 3. 24. Besides, the Author of that false, seditious, and most scandalous Pamphlet called *The legall and fundamentall liberties of the people of England, revived, asserted, and vindicated*, p. 4. 26. 30. 36. In all which [n] Books confest by himself to be the Author, there is as much Treason published, as was ever by any Traytor either spoken or written against any Civill Government.

[m] There is a great mystery in M. *Lilburns* words; we may not call it a Contradiction, because possibly like the *Urchin* he hath two holes, or like the old Oracles, can speak double. In his Letter to Mr. *Kiffin*, p. 7. thus hee writes; *I have in all quietnesse both publiquely and privately walked in all quietnesse and uprightnesse towards the Gen: and Parliament, since I owned their Authority, and neither directly nor indirectly medled with them, to give them the least offence, or to occasion in them the lest cause of jealousie of me, of endeavoring to undermine their power and authority.* If there were no Parl. since the Kings head was taken off, whē did this man own their Authority? or when was it that he was so quiet. This is so deep & inextricable a riddle to unfold, that we must confess our selves here *Davus*, not *Oedipus*. [n] See *Cokes Institutes*, the third part, *Cap.* 1. p. 14. where Card: *Poole* is said to be a Traytor for writing a seditious Book. So the fourth part of the *Institutes*, Cap. 26. *Brooks* Treason for writing of Letters.

It is reported that in *Athens* the Judges were wont to ſit in a dark place, that ſo they might not ſee, neither friend or foe that came to them for Juſtice. We cannot ſay thus (and ſpeake the truth of Mr. *Lilburns* Jurie) who were ſo [o] impartial, illegal, unjuſt, as that they walked not by any rules, either of law, juſtice, or conſcience.

For 1. Whereas the *Act of Parliament* had judg'd it to be Treaſon, *if any perſon ſhould maliciouſly or adviſedly publiſh by writing, printing, or* otherwiſe *openly declaring that the ſaid Government is tyrannicall, uſurped, or unlawfull*; All which moſt evidently hee had done.

Againe, whereas Mr. *Lilburn* deſired the *Jury* to take notice that *no man was to be condemned for Treaſon, petti-Treaſon, or any ſuch like Crime, but by the Evidence and cleare proof of two ſufficient Witneſſes*. Here now were [p] two Witneſſes (yea more) who upon oath atteſted, they heard him confeſſe, that he was Author of the aforeſaid Book (and ſo conſequently of the others) wherein moſt unparalleld Treaſon was maliciouſly or adviſedly written, printed and publiſhed by him, againſt the Parliament, Generall, and Army, tending to the utter overthrow of the Common-wealth.

One thing more we deſire the Reader to obſerve (which ſhall remain upon [q] Record to the perpetuall diſhonour and ſhame of that Jurie) whereas in his anſwers to other witneſſes (as *Newcome*, *Tooke*, *Lewis*, *Skinner*, *Dafforn*, &c.) he had many artificiall ſhifts, as to evade the weight of their Teſtimonie:

[o] Theſe never read it ſeems that Law weh ſaith *the higheſt or ſupreameſt upon earth cannot pardon or free the guilty of the puniſhment due to him* A de Le: l. *Non minus*.

[p] We know not how this Jury can quit themſelves from palpable injuſtice, unleſſe they ſay as the Rulers of the Jews taught the Souldiers, *whilſt they ſlept* Lilburn *was ſtollen away*.

[q] It is reported of a *Perſian* King, that being diſcontēted, he might not do ſomething which was againſt the Law; hee was told by another, that they had a cuſtome their King might do what he would. This Jury tooke ſome ſuch kind of liberty, finding no Law, they preſumed they might do what they would.

but

but here he hath [r] not one word to say for himselfe, though a thing wherein he was most concern'd: And no marvail, for he saw well enough, that *Cokes Institutes*, *Littleton*, and other *Law-bookes* were here against him, condemned him, and as a convict Traytor by Law left him to Justice.

3. As for the Evidence which was brought in against him by *Colonell* West *Lieutenant of the Tower*, it was so full and home, that had not his *twelve men* resolved (*perfas pernefas*) right or wrong, to have waved the principles of Reason, Law and Justice, they must of necessity here, have found him guilty. The [s] *Salva Libertate* (as he cal'd it) was delivered to the Lieutenant by *Lilburn* himself, the Original (written with his own hand, to which he had himself set his name) was produced in open Court. In which paper he saith, *The present Government is usurped, unlawfull, tyrannicall, a mock-power, a company of Theeves, Robbers, Tyrants, men of blood, destroyers of all* Lawes, *Liberties*, &c. That this was Treason by *Act of Parliament*, is without dispute. But now for his Answer.

1. *I will* [t] *looke* (saith he) *upon none of your papers, I am too old with such simple* [u] *gins to be catcht.*

2. *It is but a single Testimonie.*

3. *The* Lieutenant *is my Adversay.*

[r] Here M. *Lilburn* shewed himself to be one of *Antonies* Schollers, mentioned in *Tullie*, who wisheth men, if they be troubled about a hard question, to say nothing to it. *Cic. de Orat. l.* 2.

[s] Note, that in giving this title to his Pamphlet, his meaning seemed to be thus: that he would accuse and lay aspersions upon men behind their backs; & if he should be cal'd to prove what he said or written, then he would not own it, nor answer to it, a true character of a back-biter.

[t] If you will not look upon what you have done, yet look upon what a Heathen saith, *Dij odere omne nefas animo meventes.* Hor. l. 3 Od. 4. God hates with just displeasure such as strive, in cankered hearts black mischief to contrive.

[u] It seemes he is no tame bird, but *ut nocturnæ aves mansuescatæ noctu gementes (nam hæc illis vox est) mortalium invident quieti. Ita virulentia linguæ semper aliud spargit quo concordiam hominum disturbet. Plin. l.* 11. *c.* 25.

4. *I thinke the Tower is not within the juriſdiction of the Citie of* London.

Here that ſaying is made good, *fallacia alia aliam tradit*, one falſhood or ſubtlety brings in another. But to reply: Though Mr. *Lilburn* will not look upon the Treaſon which he hath committed, nevertheleſſe the *Jurie* for their Oath-ſake ſhould have taken it into conſideration; yea, and ſeeing it was as clear as the Sunn at noon-day, that it was his *handy worke*, [x] they ought to have proceeded againſt him for it accordingly.

Again, for his ſaying it was *a ſingle Teſtimonie*, we ſay, *ſine capite fabula*, here is a meer cheat. For what clearer and fuller Evidence can be brought into any *Court of Juſtice*, whereby to caſt a man in his caſe, then when an Originall writing, with his owne name to it (ſubſcribed by himſelfe) is produced againſt him to his face. To ſay then *he will not looke upon it*, its fooliſh and idle, neither doth it helpe him any way in the leaſt: For as *Coke* ſaith, *ſtanding mute* (but theſe words *Lilburn* did not read to his Jurie) *hee ſhall have Judgement as in caſe of High Treaſon.*

Beſides, here were more Witneſſes then one; for what was ſhewed under *Lilburns* own hand, was by another under oath affirmed to be his, as being delivered by *Lilburn* himſelfe to the Lieutenant, telling him it was his, and he did own it.

What *Alcibiades* ſaid of the *Athenians*, may very well be applyed to this Jurie: *You take things from other men not by tryall, but by truſt, and doe them rather of y affection and will, then out of any ſure knowledge you have of the truth of them.*

For

[x] *Juſtitia omnium eſt domina & Regina virtutum, ſine qua ne Jupiter quidem Principem agere poteſt.*

y So that here that old verſe was verified, *In Roma vale pia la putana Chela moglie Romana* In Rome the Harlot hath a better life, then ſhe that is a Romans honeſt wife. No doubt this Jury who quitted *Lilburn* from Treaſon, had they been in power and place, would have condemned an honeſt man for his faithfulneſs to the State.

For the rest of his Answer, as calling the Lieutenant his *professed Adversarie*, & *desiring that he might be called off from the Bench: that hee had an action against him depending before the Judges at the* Kings Bench, *&c.* So, *whether the Tower be not in Middlesex.* As these things are not capable of answer, so we let them passe. Only it is worth the observing, how Mr. *Lilburn* here, and so in the rest of his answer, deales with his Jurie, like the *Clapwing* or *Plover*, who to put a man out of his way, flies before him, clapping her wings, and making a continuall noise of purpose that he may not find out her nest. So he useth many words, sometime commending himself, otherwhile aspersing others, but nothing proper or pertinent to the matter. And to this end, namely, *That the Treason which hee had hatch'd against the State (as chickens of the Cockatrice eggs) might not discovered.*

4. For the other Witnesses, as *Newcome*, *Tooke*, *Lewis*, *Skinner*, *Daffern*, &c. By all these the Treason whereof he was accused, was manifestly proved against him: As the Lord *Keeble* at the same time well and truly declared: For proof (*saith he*) [z] *single, or double, or treble, as some of them doe amount unto as witnesse in this, yea that doubles another mans witness: If I swear this thing, and another swear the same, and a third the same, that is double upon all their Testimonies.*

Again, speaking to the [a] Jurie, *You are not bound affirmatively to have two Witnesses, but one witnesse with circumstances concerning that is sufficient; that which should prevail with you, is to consider the strength of the Accusation.* And a little after; *I doe not know in one particular that there is a Testimonie single, but it is aggravated*

[z] The words of the Statute *Anno* 13 *Eliz.* cap. 1. are: *No person or persons shall be hereafter arraigned for any of the offence or offences, unlesse the same be proved by the Testimony, deposition, and Oath of two lawfull & sufficient Witnesses.* It is true, by the words of the Stat. two *Witnesses* are required: but it it is not said that to every particular act of Treason there must be *two Witnesses.*

[a] *Querie*, whether the Jury knew the Law better then the President: if so, how it doth appear.

gravated with many circumſtances. And what he then ſpake, was moſt true, namely that the perſons againſt whom *Lilburn* objected (as to be *ſingle Witneſſes*) they were as to the matter of fact, or Treaſon layd to his charge *double*, yea *treble witneſſes in* [b] *Law.* Neither could hee produce any thing out of *Coke*, *Littleton*, or any other, where five or ſix witneſſing one Treaſon, in ſeverall places committed, but they are (not *ſingle*) but *joynt witneſſes, legally and formally, though but one preſent at a time.*

A man is eaſily perſwaded to do that thing which he purpoſeth and hath a mind to doe. That the Jury without examining the Fact, or conſidering the Witneſſes, were reſolved not to find him [c] guilty, it is as clear as the light; for what *Lilburn* quoted out of Books, was ſo falſly applyed, as that every man which hath but common ſenſe may ſee it.

5. If we ſhould goe over the particular Exceptions in his anſwer, which hee took up againſt the Witneſſes, this would very much aggravate the injuſtice (to ſay no worſe) of the Jurie, that they ſhould be led aſide from the rules of Juſtice and Equity, contained in the Morall Law of God and nature, or ſound naturall reaſon, and that only by [d] wind and empty words. To ſpeak of ſome particulars which may ſeeme to have moſt ſhew of Reaſon.

1. Concerning the *Erratae* mentioned by him, what had the Jurie here to doe with them; the Law ſaith [e] *Error in ſylliba non vitiat Actum*, miſtakes in ſyllables excuſe not Treaſon. This buſineſſe lay

[b] *Querie*, If a Judg in giving direction & light to a *Jurie*, ſhewes them what the Law is in ſuch a Caſe, and they notwithſtanding (regarding neither Law nor Reaſon) do only what is ſuitable to their luſt and will. *Whether* the ſupreame power that is above them may not *Null* ſuch an unrighteous action, & juſtly puniſh the wicked doers.

[c] So that it is apparēt theſe men either knew nor, or believed not that ſaying *Victima haud ulla amplior poteſt, magiſq; optima mactari Jovi, quam bomo iniquus.*

[d] As a Child will let goe a pearle, if you put a Bable into his hand: ſo theſe men were contented for *Lilburns* toyes and trifles to give up Law, Reaſon, and Juſtice.

[e] *L: qui habebat Ad: Man: Teſt. Dallr.*

betweene

betweene him and the Printer; and if there were more Treason publiſhed in the Booke, then was in his [f] Copie, he might (if he would) have charged the Printer with it.

But 2. who could better tell then he, what thoſe [g] *Erratаes* were, and of what conſequence as to the altering of the ſenſe, and therefore as it concern'd him, and no man elſe to looke after that, ſo it was a moſt abſurd and idle Exception.

2. As ridiculous is that which he ſpeaks of his Books: *For any thing* (ſaith hee) *the Jury knows they may be poſt dated, that is, made and written before ever the Acts they are ſaid to tranſgreſſe had a being.* O wit! ſurely the man knew, he had a Jurie for his own turn, or otherwiſe would not have ſpoken ſo vainly: For

1. The Books (prov'd to be given forth with his owne hands) witneſſed otherwiſe, as to the date or time.

2. If ſuch a thing had been ſo, yet it would no way have help'd him, unles he could have prov'd it.

3. A Jurie is not to enquire after *Iffs* and *Maybees*, but to look on the preſent Charge, and what evidence and proofe for it. *Quæ ſupra nos nihil ad nos*; and *Auguſtine* adviſerh well: [h] *It is better to doubt of ſecret things, then to ſtrive for uncertain things.*

3. Neither is that leſſe froath and vanity, where he ſaith, *what he ſwears* (meaning *Thomas Dafforn*) *is to a fact done in another County, and therefore his Teſtimonie is not worth a ſtraw, its gone: Its invalid in Law, it ſignifies* [i] *nothing, its not ſo good as a Spiders webb:*

[f] *Querie*, how the Jurie could be ſatiſfied that there were any *Erratаes* in the book, for hee was but a ſingle Teſtimonie in this caſe.

[g] If ſomemen ſhould have made an *Errata* to that Book, they would have advertiſed the Reader, inſtead of Sir *Arthur Haſlerig*, that he ſhould read *Lieut: Col: J: Lilb. a wicked, bloody, and tyrannicall perſon, who by ſeverall wayes hath attempted to murder, and by baſe plots, conſpiracies, and falſe witneſſe to take away the life of the Gen. and others.* If it had been thus corrected, other things would have been tolerable, and more true.

[h] *Melius eſt dubitare, de occultis quam litegare de incertis*, l. 8. c. 2. de Trinit.

[i] In ſome Countreys their money doth not paſſe by weight or worth, but according to the tale or number of the pieces. Its probable he thought the Jury only minded the many words he ſpake, and not the worth or weight of them.

By

By vertue of which the Marshals Testimonie, and the Governours of Warwick Castle, and also Colonel Purfroyes *need no other answer from me, but to pitty them for their long journey they have made to no purpose.* It is truly said (and fulfilled here) [k] *A bad tongue tells wonderfull strange things.* But did the man speak as hee thought? or rather remembring the proverb, *The simple believeth every thing*, hee made account it was no matter what he said to the Jurie. If a man have committed Treason, in ten or twenty severall Counties; say in *England*, *Scotland*, and *Ireland*, must he be sent to every County and Country, and there be arraignd for each particular Treason, as in reference to the severall places where each fact was don? We need not enlarge here, hee knew well enough when he spake these words, that both the [l] Law and continual practice of the Nation was against him.

It is reported of one *Oramazes*, that he had an enchanted Egg, in which (as he boasted himself) hee had enclosed all the happinesse of the world, but being broken, nothing was found in it, saving wind. Mr. *Lilburns* head is like such an Egg, in his conceit (and some others too) there is inclosed in it, all Law and Reason: but the truth is, upon tryall it doth [m] appear, that it is little else, then winde and emptinesse; a multitude of words, but nothing juditious, solid, or pertinent.

Wee have now dispatcht the *Jurie*, & upon the whole shall only give the *Reader* this *Observation*.

[k] πονηρὸν, γνῶν ἐπὶ φθόνον σοφή. Eurip.

[l] He deals not unlike those wicked spirits (commonly called *Faries*) who stealing the true child out of the cradle, doe convey (or suppose) & place instead thereof some *Chāgling* of their own. So what is Justice, law, and Reason, that he steals away, and gives the Jury a *Changeling* of his own, as somtime self-praise, otherwhile clāours and high words, & this contents them, as if it were the true Child.

[m] Like the ruine of *Babel*, at a distance (they say) it seemes great and high; but when a man comes neare it, it appears not so: So *Lilburns* Answer a great way off (not being enquir'd into) may be thought to have Reason and Law in it: but come to a strict examination, you shall find it *vox nil præter*, as it is said of the *Nightingale*, Talk and nothing else, A *Disdiapason*, or ill-favoured coupling of things together.

Those

Those that look on a *Jugler* doing his *feats*, or playing *Hocus Pocus*, do admire at the sights they see, as thinking the same almost impossible to be done. Whereas indeed, if they knew the way, it is facile and easie, a very slight trick, and no other then what any other, even a child may do. It is a [n] mysterie, and a Riddle to many, how Mr. *Lilburn*, Arraigned for Treason, appearing before so many *Judges*, *Justices*, *Sergeants at Law*, &c. The charge brought in against him being of such high concernment, and so clearly proved, should notwithstanding (for all this) be quitted, and not found guilty. Is not this *mirum?* if not *miraculum?* a wonder, a wonderfull wonder? But stay; its a very [o] *slight Tricke*, and easie to be done, if known: As how? why thus it is; *Before hee comes to Tryall, he gets the names of such men as are warned in to be of his Jurie, and out of these (suppose thirty or forty) he chooseth twelve, all known to him to be as ill affected as himselfe to the present Government, and such as are resolv'd to cleare him* [p] *in spight of Law, Justice, Judges, Proofe, and Witnesses.* Thus we see to [q] doe evill is no difficult thing, and [r] a small occasion here will serve. Neither shall he [s] misse the way and means to effect it, if he seek it.

Mr. *Lilburn* thus quitted (in the way and manner related) now we are to follow him in his Actions, after his enlargement: And here wee finde him not long after, A GRAND INFORMER, or *Solicitor*, attending the *Committees*, pleading in all Causes, where hee might have any advantage thereby. Yea so scandalous and corrupt was his practice this way, as some of his owne party were asham'd

[n] So are all conspiracies mysterious at first: but as a light brought into a roome, makes obvious and clear such things as were not seen before: so this here as a cadle will let us see Mr. *Lilburns* Cabinet Councell.

[o] *Parturiunt montes, nascitur ridiculus Mus.*

[p] Poets faign that *Hercules* brought help to the gods against the Giants, & therefore was honoured. Mr. *Lilb.* cal'd his 12 *men, the honourable Jurie.* Could he doe lesse then honour them, who had ayded him against Law and Justice?

[q] *Malum facilitèr esse, & bonum difficile est.* Arist. *l. 2. Nicomach.*

[r] *Ad prave agendum parva satis occasio est.* Meander. [s] *Male facere qui vult, nusquam non causam invenit.* Publ. Syrus.

aſham'd of it, and reprov'd him for it, often to his face.

It is not unknown to many, [t] how vehemently formerly hee had cryed out againſt the Lawyers, for their covetouſneſſe and corruption, in taking large Fees, and entertaining bad Cauſes: Now in this, few before ever went beyond him, either in reſpect of the one or other: Inſomuch, what the King of *France* ſaid of the *Trent Fathers*, They would pare the nails of *Kings*, *and let their owne grow*: So it might (and as truly) be ſaid of him, he would [u] cut the Lawyers ſhort in their *Takings*, and blame them for undertaking wrongfull and unrighteous ſuits; but when it came to his own practice, he was more criminall and fowl in the ſame particulars then they; [x] forgetting

Turpe eſt doctori, cum culpa redarguit ipſum.

Unto a Teacher its no ſmall diſgrace,
When his own faults, reprove him to his face.

In the *Apologue*, the Countrey-man ſhuts his Catt into the *Cupboard* to keep his Cheeſe: Now the *Catt* being there, devours both the Mice and Cheeſe too. Many thought, becauſe Mr. *Lilburn* had ſpoken ſo bitterly againſt the [y] *Lawyers*, that hee would have

[t] Thus hee blames Mr. *Prideaux* Attorn: Gen: for *pleading all manner of Caſes, & taking large Fees.* Letter to the *General*, p. 2.

[u] Mr. *Lilburn* here ſhould have remembred that ſaying of the Apoſtle, *Rom.* 2. 1. *Therefore thou art inexcuſable O man, that judgeſt; for wherein thou judgeſt another, thou condemneſt thy ſelfe, for thou that judgeſt doſt the ſame thing.*

[x] *Eſt enim proprium ſtultiæ aliorum vitia cernere, oblivisci ſuorum.* Tul. de Offic. l. 3.

[y] It is a witty ſtory of the Schol-maſter: a Schollar taking up a fig in the ſtreet, the Mr. ſeeing it, was angry with him for it, and bids him throw it away, for it was rotten and naught, the which the boy no ſooner did, but the Maſter ranne after it, tooke it up, and eate it all up. It ſeems Mr. *Lilburn* had a minde to the *Lawyers* Figg, in being ſo angry with them, to have them caſt it away, and afterward to take it up, and eate it himſelfe.

pleaded

pleaded *gratis* for his Clyents, or taken little of them; but when they had made tryall, they soone perceived, that from the Cup-board, hee was crept into their purses, and sought, as to devour the *Mice*, so the *Cheese*, the Lawyers, their money, and estates too.

Now howsoever for a while, hee made this his Trade, to get what he could by pleading at the *Committees*. Nevertheless, having been so long vers'd in nationall Tumults and Disturbances, he was here, as a Fish out of the water, untill he had his hand again, in some publick commotions.

About this time there was a dangerous Insurrection, & horrible Riots committed in the *North*, with such (as *malum malo*) he closeth, it being a business most proper to his *Genius*, [z] former practice and experience: And howsoever he is not the first in the mutinies, yet being once in, who but he, as to head the Faction, for the effectual carrying on of that desperate designe.

As wee have not hitherto set down any thing of his miscarriages, but with care still to the [a] truth: so we shall here make a true relation, as the whole businesse hath been given in to the *Parliament* and *Councell of State* under Oath, by many faithfull and eye-witnesses: The sum (as we have taken it from the Originall) is thus.

At the expence of [b] 175046 *l.* or therabouts, there was drained or laid dry 160000 Acres of Land, lying contiguous, within the Counties of *Yorke*, *Lincoln*, and *Nottingham*, not worth before 3 *s.* & 4 *d.* an Acre, one with another, the which was made worth some ten, other twelve, yea some twenty shillings

[z] *Maxima est vis vetustatis & consuetudinis.*

[a] *Multa suavius est vera dicere, quam audire. Cordis & auris, mentis & linguæ, rationis & orationis harmonia suavissima.*

[b] In former time men have been greatly honored & encouraged for being instruments of bettering & improving the earth, and no doubt, had this been his own case, he wou'd have thought so to.

an Acre. In the Mannor of *Epworth* the [a] *Petitioners* had been in quiet poſſeſſion of 7400 Acres for the ſpace of ten years, untill the year 1642.

Now in *June*, 1642. many perſons (whoſe names are in the Originall) in a tumultuous manner came into the *Levell*, within the Mannor of *Epworth*, and there [b] broke down the Fences, and deſtroyed about 160 Acres of growing Corn and Rape, and others joyning with thoſe, continued rioting together from day to day, till they had laid waſt about 4000 acres of the *drained land*, and pulled down ſeverall houſes ſtanding thereon.

Others afterward, ſeverall dayes (during the flowing of the Spring-tide) violently forced open a *Sewer*, called *Snow-Sewer*, planted upon the River of *Trent*, purpoſely to let in the waters; the which courſe they continued, till they had [c] drowned 8000. Acres of [d] Corn and Rape then growing, and and the Corn-ſtacks generally halfe way, with the greateſt part of mens houſes and habitations, by the ſpace of ten weekes. Now upon complaint to the Committee of *Lincoln*, order was given to open the Sluce, and let out the water: but divers people with Muſquets and Pikes defended the doors, and peremptorily refuſed to yield any obedience thereto.

[a] Note that we call them ſo here, in regard this narrative with a Petition was preſented to the State.

[b] The Levellers will have *no man to call any thing his, for its tyrannie that a man ſhould have any proper land, particular propriety is deviliſh, the myſterie of Ægyptian bondage, a deſtroyer of the Creation, a lifter up of the proud covetous fleſh, a bringer in of the curſe again, a mortall enemy to the ſpirit, & that which hath brought in all miſerie to the Creature.* New light of righteouſneſs, pa. 65. 58.

[c] This is according to the principles of the right Levellers. *We declare and proteſt* (ſay they) *againſt all Incloſures of Fenns, Forreſts, Fields, Moores, Heaths, Parkes, Chaſes, which have beene taken from the poore of the Land, wee are reſolved to do our utmoſt to reſtore them againe for the good and benefit of the poore. A declaration of the Commoners of* England. [d] Here the *Levellers* went beſide their Doctrine; they ſay, *When a man hath need of any Corn he is to take the ſame from the next Store-houſe he meets with. New lights of Righteouſneſſe*, p. 47. But we do not remember there is any thing ſayd for drowning or burning of Corne: this probably is Mr. *Lilburns* doctrine alone.

Again

Again in the *yeare* 1647. upon a Bill depending in the *Exchequer* by the Petitioners, ſeverall Orders were made for re-eſtabliſhing the poſſeſſion with the Petitioners, and order given to the *Sheriff* to aſſiſt them. But *Daniel Noddel* an Attorney, with others came upon the place, armed with ſwords and muſkets to reſiſt, whereby thoſe Orders were altogether fruitleſſe.

The Petitioners being kept thus ſtill out of their poſſeſſions, bring their Bill at length to a further hearing; At which time the ſaid *Daniel Noddell* the Solicitor, had gotten to his aſſiſtance Mr. *Lilburn* and Major *John Wildman:* But whilſt the Caſe was in hearing, the Inhabitants began to riot on * 3400. acres which were kept up before. When ſome certaine fiſh appear at Sea, it is a ſymptome among Mariners of a ſtorme ſuddenly to ariſe: Mr. *Lilburn* being now among the *Rioting Levellers*, there was nothing to be expected but Tumults, and Inſurrections one after another; and no doubt, all committed by his advice and inſtigation. But to proceed.

Upon complaint to the *Court of Exchequer*, there was ſent to the *Sheriff* an *Injunction*, and *writ of aſſiſtſtance*, to quiet the Poſſeſſion till the hearing of the Cauſe; but in his preſence the Fences by multitudes were violently thrown down, and the Rioters by force fetcht away the Cattle of the *Tenants*, the which they impounded; and refuſing to admit any *Replevins*, conſtrained them to redeem them upon their owne termes, and at what rate they pleaſed.

In *February*, 1650. upon full hearing in the *Exchequer*,

* It is a queſtion among the Papiſts, whether a Prieſt may diſpenſe with the traditions of the church & give diſpēſations as the Pope doth: It is reſolved in the negative; notwithſtanding he may interpret any Order or Canon as to bee the Popes mind which is as effectuall. This liberty wee muſt grāt Mr. *Lilburne*; though hee cānot diſpēſe with the law, yet the ſence of it lies in his breaſt, and hee can make it ſpeak what he pleaſeth.

quer, a Decree was made for full eſtabliſhing the poſſeſſion againe with the *Petitioners*, which was publiſhed upon the place in preſence of divers of the *Inhabitants*, who having gotten (*Noddel*, *Lilburn*, and *Wildman* on their ſide) openly declared, that [e] *they would not give any obedience thereunto, nor to any Order of the Exchequer, or Parliament, and ſaid, they could make as good a Parliament themſelves.* Some ſaid, *It is* [f] *a Parliament of clouts, and that if they ſent Forces, they would raiſe Forces to reſiſt them.* Moreover, from words they proceeded to Action, ſo that within tenn dayes time, [g] they totally deboliſhed the whole Town of *Santoft*, and other houſes thereabout, to the number of 82 *Habitations*, defaced the Church, burnt Stables and out-houſes, broke in pieces a Wind-mill, deſtroyed all the Corn and Rapes on the ground, not leſſe then 3400 acres; ſo as the damage done at this time appears by good teſtimonie to be 80000 *l.* or more.

It is ſaid of *Sylla* & *Richard* 3. that they commanded others, under great penalties to be juſt and vertuous, whereas themſelves walked clean contrary. What a deal of talk, had *Lilb.* made of Honeſty, Law, and Juſtice, and yet none more injurious, arbitrary, tyrannicall, then he, where-ever he could thruſt in, and have opportunity to exerciſe the ſame: As by what follows will more appear.

[e] Here the *Levellers* are practicall to their Tenent, which is not to allow of any *Sheriffs, Judges, Juſtices of Peace, Mayors, Bailiffs, Aldermen throughout the Nation, but all theſe as of Conqueſt & Tyranny, they will have pluckt up by the roots.* Light ſhining in *Bucking:* 1 part, p. 10, 11.

[f] You may ſee before who taught them this, & where they learnt to revile the Parl. *Lilb.* being now King in the *Levell.* that is fulfilled, *Regis ad exemplum totus componitur orbis.*

[g] They are not puniſhable for all this by the principles of *Levellers.* They ſay, *No man is to be put to death for murder or any unrighteous Crime whatſoever, nor to be impriſoned or puniſhed any way; only ſuch are to worke and eate their owne bread: And he or they that ſhall inflict any other puniſhment upon fellow Creatures, is an unrighteous Actor in the Creation: For it is a mighty diſhonour to our Maker, that one part of the Creation ſhould deſtroy another.* New light of Righteouſneſs, p. 60, 61, 69. Again, *he that will rule over, impriſon, oppreſſe, and kill his fellow Creatures under whatſoever pretence, is a deſtroyer of the Creation, and an Actor of the curſe, and walkes contrary to the rule of Righteouſneſſe.* The true Levellers Standard, *pag.* 9.

The

The Land being thus laid wast, the meeting place defaced, the [h] whole Town, with all the houses, mill, and out-houses depopulated, and the precious Corn destroyed, and all this through *Lilburns* means and his Confederates.

In the next place (the former being a preparative as the needle goes before the threed) There is [i] an agreement between Mr. *Lilburn Cum socijs*, and severall men of the Mannor of *Epworth: That in consideration of* [k] 2000 *Acres of land (formerly wast) to be given to* Lilburn *and* Wildman, *and* 200 *Acres to* Noddel, *they shall* [l] *defend them from all those Riots & Insurrections* (a thing easily done) *and maintaine them in possession of all the rest of the* 7400 *Acres before laid wast, and keep them dry. Here deeds and writings were drawn up, and seal'd accordingly.* It seems by this that Mr. *Lilburn* was of opinion, that [m] *money makes a man, and a poore man is neither excellent nor honourable.*

This bargain being made, Mr. *Lilburn* then with *Noddel* and others, came to *Stantoft Church* on the Lords day, where a *French* Congregation of Protestants were assembled together, and most [n] prophanely forced them from thence, and told them

[h] This also is agreeable to the *Levellers* Doctrine, *for they will not have any buying or selling, any Markets or Faires to be kept, no civill trading at all; for to do so, is to take the marke of the Beast.* Light shining in *Bucking.* 1 part, *pag.* 3. Now to destroy whole Towns at ōce, is to put down buying, selling, and all Commerce.

[i] There was a peace concluded between *Allyattes* and *Astiages*, by drinking each others blood, this was no other agreemēt but bloody and cruell.

[k] *Dives qui fieri vult, & cito vult fieri: sed quæ reverentia legum, quis metus aut pudor est unquam properantus amari? unde habeat, quærit nemo, sed oportet habere.* Juvenal.

[l] There is all the reason in the world that he who causeth men to riot and rebel, should defend them in it.

[m] χρήματ' ἀνὴρ πενιχρὸς δ' οὐδείς, πέλετ' ἐθλὸς οὐδὲ τιμιος.

[n] Reader thou art to take notice that it is a *Principle* of the *Levellers*, that *men must leave off all TEACHING and instructing each other, there is no use of Sermons, Sacraments, or Prayer: Preachers are the curse, and the spreaders of the curse, standing ponds of stinking water; yea the zealous Preachers are no other then Scribes, Pharisees, Judases, Traytors, Witches, Sorcerers, Deceivers, They & the People joyning together in publick worship is an abhomination. Gathering Congregations, Church fellowship, & all outward formes, this* (say the *Levellers*) *is to betray Christ into the hands of Flesh, a deceit of the Devill, the government of the Beast, Antichristian captivity, and 'tis to be under the tyrant flesh, a new bondage, a wrapping men in confusion, the mysterie of iniquity, & only to hinder Christ the great Prophet from rising.* New light of Righteousness.

they

they ſhould not come thither any more, unleſs they were ſtronger then they.

Having diſpatch'd this *Lords dayes worke*, he and *Noddle* goe then to another Mannor, called *Crowle*, and there they agree with ſome of that Mannor, [o] to aſſiſt them, as they had done the people of *Epworth*, to get the Commons into their poſſeſſion: In order whereunto, *they adviſe them, that they ſhould impound the Tenants Cattell; and if they replevi'd them, to impound them againe, and to breake downe all their Fences, and to eate up all their Crops, and ſo to tyre them out, unleſſe they became Tenants to them.*

This mutinous counſel of theirs was immediately put in practice; whereupon the poore Tenants being terrified, and ſeeing their condition was like to be no other then their Neighbours, through neceſſity (and ſeeing otherwiſe they were undone) tooke leaſes from *Jaſper Margrave*, and *George Storin*, who gave bonds to ſave them harmleſs: Thus were the Petitioners [p] outed poſſeſſion of both theſe Mannors.

When *Dyoniſius* (in the ſtory) had rob'd an *idoll Temple*, and at his return by Sea had a faire gale, and pleaſant weather to waft him home with his ſpoyls; *See* (ſaith he) *how the Heavens ſmile upon us, and how the gods are pleaſed with what we have done.* It's likely enough, all things going thus proſperouſly forward, Mr. *Lilburn* might ſay in his heart, *God hath forgotten, he hideth his face, he will never ſee it:* but a Heathen could have taught him otherwiſe, [q] *cernit deus omnia judex.*

[o] Note how this man boaſting of himſelf (as it is usually his manner) *in capitall letters* writes thus. *I am one that hath the principles of Freedom and Juſtice ingraſted in me, and of an Engliſhman that loves my Country above all the Countries in the world, and in a great meaſure hath the ſenſe of my duty in acting towards its freedom and welfare ingraven upon my very heart.* In his letter to Mr. *Kiffin*, p. 6. compare his actions and words together. In the *Olympick Games* he that was Conquerour, did not put the Garland on his own head, but ſtayed till another did it for him, But Mr. *Lilburn* is alwayes forward to commend himſelf. It ſeems he dwels by bad neighbours. [p] *Lucrum improbis juſtitia ſit praſtantius.* [q] Ἐχει θεὸς ἔκαστον ὄμμα.

But

But to proceed with our discourse: At the making of those Leases, *Nodell* openly declared in the presence of twenty persons, that *he would lay twenty shillings with any man, that* AS SOON *as* Lilburn *came to* London, *there should be* [r] *a new Parliament* (no doubt but the other had told him so) *and* Lilburn *would* [s] *call this Parliament to an account* (so said *Jacke Straw* and *Wat Tyler*) *further adding, that seeing they had now* [t] *finished this of Lincolnshire* (meaning by riots and fraud gotten the lands from the *Petitioners*) *they* [u] *would goe over into Yorkshire to the rest of the Levells and doe the like there, and so would give* [x] *worke enough to the Attorney Generall.*

One thing more at another time was delivered by the said *Nodell*; *Having now stated their Case, they would print it, and naile it the Parliament doore: and if they would not do them Justice, they would come up, and make an out-cry, and* [y] *pull them out by the eares.*

Neither is it to be forgotten that the aforesaid agreement being made, *viz.* the 2200. acres of land to be divided between *Lilburn, Wildman,* and *Noddel,* this they caused immediately to be measured out, and took the same into their possession according to the proportions mentioned. And agreed with severall persons to let out some considerable part thereof: whereupon Mr. *Lilburn* he repairs the house built for the Minister, partly pul'd downe by the Rioters before, and puts his servant therein to keep possession; and having driven away both the Shepheard and the Flock, *hee employes the place in which they publiquely met, to the use of a Stable, Cow house, Slaughter-house, and to lay his hay and Straw therein.*

[r] And reason too. For what Truant would not rather have the rod burnt, then to be whipt with it.

[s] But where then is the peoples liberty and freedom if M *Lilburn* may doe all this?

[t] *Post dulcia amara*, sweet meat will have sowre sauce.

[u] Not stay till they are sent for. But note here, how to *go from Towne to Towne*, and cast down Inclosures, this the law maks *levying warre*, and so *Treason*, how will *Noddel* answer this?

[x] So doe Thiev's make worke for the Hang-man, but they had been better to have sate still.

[y] And why not destroy them too, *as so many Weasels and Polcats*? It seems the man is but a learner yet.

This being so, *nomen mutatum*; Instead of Sir *Arthur Haslerig*, *Lilburns* name being read, whether the *Petitioners* may not truly say in [a] his own words; *Lieut. Coll:* John Lilburn (*and his associates*) *have destroyed and levelled our proprieties, and in our Case subverted the Laws and Liberties of* England, *and exercised an arbitrary and tyrannicall power over us, without any shadow or colour from Order, Ordinances, or Act of Parliament, to the unsufferable and unspeakable indignity and dishonour of the Parl.*

We shall adde no more, but close with this; It is witnessed upon oath that Mr. *Wildman* was present when Mr. *Lilburn* made the bargain, *That they two in consideration of* * 2000 *Acres, and* 200 *to* Noddel *of the land so laid waste, should defend the Inhabitants from all* [b] *Riots, both past and to come, and at their charge maintaine them in the possession of the* 52000 *Acres:* And likewise was present, when the *Deeds* were sealed to Mr. *Lilburn* and himself, of the 2000 acres according to the conditions aforesaid: so that the truth of the [c] *Narrative* is not any way questionable.

Because this business is depending in Parliament, (who no doubt are very sensible of the high Insolencies and abuses committed, and will doe Justice therein accordingly) we shall say the lesse to it, only will give the Reader some *Observations* upon the whole.

1. Howsoever Mr. *Lilburn* seemes sometimes to be so tender of the Law, as if none like himself were

[a] *A just reproof to Haberdashers Hall*, p. 37. Again as in another place, Mr. *Lilburn hath most maliciously, premeditately, and in a despight & contempt of the Law of* England, *and most treacherously in subversion thereof, hath exercised a tyrannical & arbitrary power over and above the Law. A preparative to a Huc & Cry*, pag. 36.

[b] *Sueonius* writeth, that a *Physiognomer* being demanded what he thought concerning the naturall inclination of *Tiberius* the Emperour, Answered, I see in him πῆλον ἅματι πεφυχῶν *dirt mingled with blood*: Thereby intimating that he would prove a covetous and cruell Emperour; the *dirt* in his complexion representing *filthy lucre*, and *blood, cruelty*. * *Nec venit in mentem quorum consideris armis.* [c] *Accipias nunc Oanium insidias, & crimine ab uno disce omnes:* Virg. Æne. lib. 2.

so

so conformable to the practicall part thereof. [d] Nevertheless, where he hath seene profit and advantage, there hee hath made it but as a *Spiders webb*, blown it easily away, and broken thtough it. *Coke* sometimes is his *great Master*, but in this business of *Hatfield Chase*, he will allow of no such Cook, to dress his meat.

In *the third part of his Institutes concerning high Treason*, hee hath these words: [c] *There is a diversity* (saith hee) *between levying of Warre, and committing of a great riot, a Rout or an unlawfull Assembly.* [f] *For exampl, as if three, or four, or more, do rise to burn, or put downe any Inclosure in Dale, which the Lord of the Mannor of Dale hath made there in that particular place, this or the like is a Riot, a Rout, or an unlawfull Assembly, and no Treason. But if they had risen of purpose to alter Religion established within the Realm, or Lawes, or to* [g] *GOE FROM TOWNE TO TOWNE GENERALLY, AND TO CAST DOWNE INCLOSURES, this is a levying of Warre* (*though there be no great number of the Conspirators*) *within the purvene of this Statute, because the pretence is publique and generall, and not private in particular: And so it was resolved in Case of* Richard Bradshaw, *Miller*, Robert Burton, *Mason, and others of Oxfordshire, whose Case was, That they* [h] *conspired and agreed to assemble themselves with so many as they could procure at Enslow-Hill in the said County, and there to rise, and from thence to goe from Gentlemans house to Gentlemans house, to cast downe Inclosures, as well for*

[d] It remains upon record, to the lasting infamy of the Cardinal of *Cremona*, that standing and pleading against Priests marriages, was himself'e taken the night following in bed with a whore. No lesse is it a sin and shame to this man, to plead so much as sometime he will do, for Law & Justice: and at other times, when it is to satisfie his owne lust and pleasure, not a greater trāsgressor of law and justice then he.

[c] *Ch* 1 p. 9, 10

[f] See Rot. Parl. in Cro. *Epiphan.* 20. *Edw.* 1. Rot. 23. *Humfrey de Bohuns* Case 4 *Eliz.* 210. *b.* *Dier.* See the Stat. of 2 *Mar.* Cap. 2. *By which grand Riots in some Cases are made Felonie.* Pasch. 39 Eliz. *by all the Judges of* England, *he being Attorney Gen: and present.*

[g] The very Case which *Lilburn* undertakes to defend thē in, both in respect of what they had done, or should do.

[h] Observe how the like was practised by the persons formerly mentioned, and a resolution taken up to goe forward, and to cast down Inclosures and Towns one after another.

inlargement of high ways, as of arrable lands: And they agreed to get Armour and Artillerie at the Lord Norris *his house, and to weare them in going from Gentlemans house to Gentlemans house for the purpose aforesaid, and to that purpose perswaded divers others, and all this was confessed by the offenders. And it was resolued, That this was a compassing and intention to levie warr against the Queen, because the pretence was publick within the Statute of* 13 Eliz. Cap. *and the Offenders were attainted and executed at Enslow-hill.*

How Mr. *Lilburn* here can [k] quit himselfe from *Treason* or *Fellonie* according to *Coke*, unlesse by a *Jurie* of his owne choosing (who will not finde him guilty for any Insurrection, or Conspiracy against the State, be the thing never so clearly prov'd) we leave it as a *Querie* to men, better skil'd in the Law then our selves.

But 2. by this it doth appear, that he remembred not the proverb, *A burnt child dreads the fire*: For who but [m] himself, having a little before so narrowly escaped punishment for sedition, would have thrown himselfe again head-long into the danger? *Thesius* is said to cut off his golden locks, least his enemies should take advantage by taking hold of them. It is possible he may think, that to make tumults and commotions in the Nation, is an [n] ornament and credit to him: Notwithstanding, seeing hee gives his Enemies hereby so much advantage, as to take hold of him, it were better hee did cut off those *golden locks*, in giving over such contentious courses, which will prove his ruine & fall at last.

[i] Here we may see what fair pretences can be made to foul offences: I was for *Enlargement* that Mr. *Lilb.* had a chief hand in those *Riots*, but not to enlarge *high wayes* but to charge himself with 1000 *acres*: *Space & way enough for one time.*

[k] Here wee suppose Mr. *Lilb* will need some Logick with his Law, either *in actu signato*, and *quo ad speciem*, or *in actu exercito*, and *quo ad invisitur*, how *speciated* by its *objecti*, & *individuated by* its circumstances.

[m] *Hannibal* used to say of *Marcellus*, that hee was such an Enemy as would not be quiet whether Conquerour, or conquered. Mr. *Lilb.* (thanking his honorable Jurie) came off *Conquerour*, yet he could not for his life sit still, but there being a Comotion and Insurrection in the Country, yea though but one, yet whosoever is out, he will be sure to have his hand in it.

[n] As *Ishmael* might have gloried when it was said of him, *He will be a wild man; his hand will be against every man, and every mans hand against him.*

3. Should

3. Should such a president as this be left without due execution of Justice, in what [o] danger were the whole Common-wealth? For if men shall be secured and protected from the Law for all their *riots past, & what after they shall commit*, what should hinder the multitude from raising continual Insurrections every where? and to make *Lilburns* plea, *Propriety, Libertie, Free-Commoners*, &c. In the dayes of *Ptolomeus Philopater*, when the huge and great Anchor of the ship *Thalmegos* was laid out upon the shore, the children of *Alexandria* did ride upon the stalke, and crept through the ring of the Anchor, as if it had been made for pastime of Children: But wise ship-men knew it was appointed for better use; namely to stable and make sure the great Vessel, in great & tempestuous storms. Just so do some men serve the Law, if the [p] execution thereof be neglected, they are ready to ride on it, and runn thorow it, as if it were made only for sport: But wise *States-men* know it was appointed for better use, namely when Turbulent spirits cause Riots and Commotions in the Land, to preserve then (in such a storm) the great Vessell of the Common-wealth, by a due and careful proceeding against them, especially to make the [q] Authors and Ring-leaders *Exemplary*.

Thus wee have shewed what Mr. *Lilburns* carriage and deportment was, before his *Banishment*, and have fully prov'd the *Assertion* or *Charge*, to wit, *That no man more deservedly hath been banished out of the Common-wealth of England for grand misdemeanors against the Reipublick then he.* And therefore it is not true (as wee said before) *that the reason and cause of his*

[o] The Law saith, *pœna unius est multorum metus.* Præs Isau: In Cod. *lib.* 3. *c.* 27. *ad leg. Jul.* Again, *Qui punit injustos, in cæteris prohibet fieri injuriam.*

[p] Foolish birds frighted a little at first with the Husbandmans scar-crow, and after a while observing that it stirs not, are bold to sit upon it, & desire it: So Rioters & Mutiners, when they see the law is not put in execution against them, become the more bold, & proceed from evill to evill.

[q] *Pectora magnus obsessa malis non sunt ictu fertenda levi.*

his baniſhment ſhould be of ſome difference or particular Quarrell between Sir Arthur Haſlerig, *and him.* Neither is it true which he writes to the Generall : [r] *That* Primats *buſineſſe and nothing elſe, was the cauſe of his Baniſhment.* For howſoever that buſineſſe occaſioned his baniſhment, yet originally and chiefly it was not the cauſe; but *the* [s] *whole ſeries of his former Treaſons practiced againſt the State, he having made it his* [t] *continuall and conſtant ſtudy and worke, to deſtroy the welfare and peace of the Nation.*

Now to the end that neither he himſelfe, nor any other, may think we have taken this work in hand, either without cauſe, or not called thereunto, we deſire it may be noted, how we are in a manner dar'd and challenged to it. *If the* [u] *Generall* (ſaith he) *or* [x] *any other for him, have any thing in imagination or ſuppoſition againſt me, to lay to my* CHARGE, *let him or them* STAND UP AND SAY TO THE UTTERMOST, *I crave no favour at their hand.*

To ſet forth things by *ſuppoſition* or *imagination*, we abhor it (though it hath been his conſtant practice againſt other men ſo to doe) but whatſoever wee have declared, as to his ſeditious and factious deſignes, are reall and certaine, as being either publiſhed by himſelfe, or under oath aſſerted by ſufficient witneſſes.

From *England* wee are now to follow Mr. *Lilburn* in his actions and procceedings beyond Sea: And here we find it true, *Non gens ſed mens*; though the man have changed the Aire, and be under another Climate, yet no way altered, (but rather worſe) in his malicious practices againſt this Common-

[r] In a printed letter, p. 2.

[s] Our State here follow'd that ſaying, *Cuncta prius tentanda; ſed immedicabile vulnus enſe reciendum, ne pars ſincera trahatur.* Ovid.

[t] For not only before his baniſhment, but whilſt he was beyond Sea, and ſince his return, he hath fought the ruine of this Nation: And therfore wee may well ſay, *a continual & conſtant work.*

[u] Should hee not be well employd to reply to his ſlanders and falſhood, *Regium eſt, male audire & bene facere.*

[x] He hath bin anſwered before: And being not able to clear himſelf from the ſeverall treacherous plots laid to his charge, and proved, ſee how he comes off: As the Beaſt *Doron*, caſting his *Excrements* at them. Arraignment, *pag.* 3.

wealth,

wealth, ſo that the ſaying is true (and fufilled here) [y] *great is the force of Cuſtome, which is not only Law it ſelfe, but another nature, yea which breaks Law, and prevails above it: ſo that* [a] *what a man is* [b] *accuſtomed to doe, he thinks it at length to be lawfull.*

We have proved before, that no man hath been baniſhed out of this Nation for greater Crimes then hee had done againſt the Government eſtabliſhed. Our next Aſſertion is this; *No Engliſh Exile in the time of his baniſhment, ſhewed more malice, or contrived greater Treaſon againſt* England, *then Mr.* Lilburn *did againſt this State, in the time of his Reſidence in the Netherlands.*

We know what it is to beare falſe witneſſe, and therefore are [c] careful not to ſet things down otherwiſe or further, then we have moſt evident and clear proof for the ſame.

1. Never was a State by the mouth or pen of any Exile (we exempt not *Parſons*, nor any other Jeſuite) made more execrable, odious, and deteſtable, then he hath rendred *Ours*, to Forreign Nations. But that we have it under his own hand, otherwiſe had it come by report or hear-ſay, wee ſhould not have believed it, being ſo *unparallel'd, ſcandalous, and malicious.* Thus he writes: [d] *O renowned and worthy Heathens, far ſurpaſſing in honeſty, and far ſurmounting in Juſtice and Righteouſneſſe, our great pretended Chriſtians, the Governours in* England, *that* [e] *judge no meanes nor wayes, though never ſo abominable in them-*

[y] *Magna vis eſt conſuetudinis, quæ non modo lex ipſa, ſed altera eſt natura: neque enim ſolum legē imitatur ſed devincit legem adeoque plus valet quam lex ipſa.* Ariſt.

[a] *Conſuetum quidquid eſt, tandem præſumitur juſtum.*

[b] It is Like a man that moves a ſtone on the top of a hill, which never ceaſeth running & tūbling till it come to the bottome: ſo is he in his deſperate deſigns againſt this Commōwealth, unwearied and reſtleſſe. *Facile vocaveris cacodæmona, ſed vocatum non facile repuleris.*

[c] *Veritas res omnium juſticima. Multo ſua-*

vius eſt, vera dicere quam audire. [d] *Lilburn* Revived, *p. 6.* [e] How could hee in his coming over have any hope to be ſafe under ſuch Governours: It is probable hee expected no ſuch thing from them: but having made them odious before hand, hee made full account that others would have joyned with him in cutting them off.

ſelves,

ſelves, too vile for them to undertake for the accompliſhing of their owne ends. Whether it be treachery, murder, perjurie, breach of faith, or what ever it be: And who have cheated all manner of Intereſts, that ever yet in their lives they dealt with; and hold it an undoubted Article of their Faith for the ſupport of their ſtate & policie, that it is not fit nor convenient for them to keepe Faith with ANY INTEREST OR GENERATION OF MEN IN THE WORLD *longer then it ſerves their owne end: Being abſolutely in their owne thoughts (as their conſtant practices ſufficiently declare as cleere as the Sunne at noon day) tyed by no Engagement, Declarations, Proteſtations, Oaths, Covenants, or Contracts whatſoever, that even amongſt Pagans & Infidells themſelves are moſt ſacred, longer then they pleaſe.*

Our Enemies being Judges, was there ever more reproach and contempt caſt upon any Government? Is it imaginable that any people under heaven are ſuch monſters, monſtruous monſters, as he is pleaſed to report of us? was not this (if believed) enough to have raiſed up all forreign States againſt us? Who would deſire our Amity or Friendſhip were theſe things ſo? What Cavallier or Malignant could have done more to have advanced *Charles Stewards* Intereſt? Where the building is green and not dry, things are the ſooner put out of order: Mr. *Lilburn* knew our Common-wealth was *new* and *tender*, and therefore as taking advantage before it was faſt and well ſetled, he makes account the eaſier to overthrow it.

There is a kind of Serpent, the nature of whoſe venome is ſuch, that if it enters into the bodie, it provokes to vomit, and cauſeth the perſon to bring

* Note how in his Book Entituled, *A defenſive Declaration of Lieut: Colonell John Lilburn*, he ſpeaks not a word of this, nor any way repenting for it, but of a Paſſe, that he might come ſpeedily home, as if our State would have been glad to have received him, with all his treachery againſt it.

bring up whatsoever is in the stomack, in thick and filthy fleagm. The Serpents sting being entered into this mans [g] tongue, see how he vomiteth; Only it is a marvail that the stink thereof had not poysoned himself.

Neither is this all, but hee hath more and w rse in another place. *You have rendred your selves* (saith he) *the scorn and contempt of all Europe, having given too just occasions to the Nations round about you, to judg you lesse faithfull, and your Oaths and Promises lesse to be regarded, then Turks, Pagans, and Infidels. Your most reproachfull and perjur'd Actions, have rendred your selves and your Religion in the eyes of the sonnes of men,* [h] *more contemptible, then ever the foolish and ridiculous actions fathered upon, and said to be committed at* Munster *in* Germany *by* John *of* Leyden *and* Knipperdoling, *whom in follie, murder, madnesse, and ridiculousnesse you have visibly in the face of the world out-stripped: And already made good the truth of the worst of the Kings sayings against you, or the sharpest and bitterest of his pens against you: And who in historie must leave behind you, to future ages, the blackest name that ever the sons of men had, and for you no defence or excuse, or shadow of a bare figleaf-covering can be made for you.* [i]

[g] It is worth the noting; after hee had thus basely reproached the State, he adds, *If any of their mercinarie pen men dare be so impudent as to deny this that I now say of thē, and endeavour in their behalfe to prove the contrary: I dare hereby engage my life and reputation by abūdance of evident, declared, & known instances, to prove these my presēt assertions as clear as the sun in its most glorious shining.* But this is a vapour, for his manner is not to stand to the justification of his

writings: As for example, at his Tryall in the Guild-hall, *I doe not own a jot, a line, a word, a syllable, or any of them*: and so it's likely he will do here, not own any thing, wch denotes a man of a cowardly spirit, having put his hand and name to a thing, afterward to say, *I will not owne it.* [h] He saith himselfe, that *he hath a quicke and sharp pen*; he might have added, and *a tongue sharper then an arrow.* [i] Here we may see how falsely he speakes, when hee saith: *In all my actions and carriages beyond Sea, I have beene to the utmost of my power, understanding, and ability, as studious and industrious a reall wel-wisher to the prosperity of the people of* ENGLAND *in generall, as ever I was in my life. A defensive Declaration of Lieut: Coll:* John Lilburn, *page* 16. He knowes, *qui nescit dissimulare nescit imperrare.*

It was the policie of *Ziba* to deviſe a lye againſt his Maſter, and then to ſpeak of it himſelf unto *David*, whereby to alienate the Kings affection from that honeſt man: [k] The very ſame here, is *Lilburns* deſigne; hee raiſeth falſhoods and ſlanders againſt us, and then ſpreads them abroad in other Nations, as thinking by this means to divide all people from us.

But 2. As we have obſerved before, how Mr. *Lilburn* (like the Pope) makes our Governours *State-Hereticks*, and then proceeds to *cutting off*: So it was his deſign beyond Sea. And becauſe this buſineſſe is of great concernment, we ſhall therefore firſt ſet down the particulars whereof he is accuſed, and by whom, and then give the Reader ſome *rational Conſiderations*, as to the truth of the thing.

1. *Iſaac Berkenhead* affirms, that *hee heard Colonell* Charls Lloid, *Engineer Gen: and Quarter-maſter Gen: to the late King*, *Captain* Luke Whittington, *Agent to* Charls Stuart, *Captain* John Titus, *and Captain* Bartlet *ſay*; *That Lieut. Col:* John Lilburn *had* [l] *propoſed ſeverall times to Sir* Ralph Hopton, *and ſometimes to Coll:* Charls Lloid *aforeſaid*, *& ſeverall others*, *that if the aforenamed perſons would procure him* [m] 100000 *l. he would deſtroy the Lord Generall* Cromwell, *the Parliament and Councell of State that now ſitteth at* Weſtminſter, *and ſettle* Charls Stuart *King of* England (*as hee called him*) *in his Throne in* England, *or elſe hee would have a piece of him nail'd upon every poſt in* Bruges.

I further obſerved (ſaith he) *from Lieutenant Coll:* John Lilburn *and others, who told me of his actions, that the Lieut: Collonel did not only move with much violence and*

[k] So did *Nero*, when hee had ſet *Rome* on fire, he falſely charged the Chriſtians with it.

[l] In the Laws of *Draco* there is nothing memorable, but that it was appointed death, for the leaſt crimes; there is hardly any thing remarkable in *Lilburns* writings, but the fury and madneſſe of the man, as if hee would kill & deſtroy every body that is in his way.

[m] Well may the love of monie be ſaid to be *the roote of all evill*. For what wickedneſſe is there, but a covetous man will commit, if he may gaine by it.

and earnestinesse, shewing which way he would bring this his proposed design about; but [n] *went from person to person, whose reputation he thought could* [o] *procure so much as he proposed (for the advancement of this his declared designe) and whose affections and opinions were most suitable to further him in such employment.* Thus he.

2. *Captain* John Titus *saith, that the said Lieuten: Col:* John Lilburn *proposed to the Lord* Hopton, *that if he would procure him ten thousand pounds, hee would* [p] *destroy the Common-wealth of* England *in six months, or he would have a piece of him nail'd upon every post in* Bruges. *The Lord* Hopton *told the said* Lilburn, *that it could not be so facile a thing, though hee believed it might be done, but not in so short time; To which the said* Lilburn *replyed; My Lord, I'le shew you how it shall be done, give me but the monies I propose for, and I'le have my Agents (for I have enough of them) that shall give me an account of all the Common-wealth of* Englands *proceedings: And by those* [q] *Agents I will spread my papers abroad, that shall instigate the people against the Parliament, & so by that* [r] *power I have already, and that power my Agents shall make by working upon the people, I will destroy the Parl. the Councell of State, and the Lord Gen:* Cromwel *in halfe an hour.* So he.

[n] This is the more likely to be true, because whē he was in *England* it was his constant practice to goe from place to place to stirr up as many as he could to seditious courses.

[o] *O cives, cives, quærenda pecunia primum, virtus post nummos.*

[p] One of Mr. *Lilburns* friends writes thus, *It is a firme law, and radicall principle in nature, ingraven in the heart by the finger of God in the Creation; for every living moving thing wherein is the breath of life, to preserve, award, and deliver it selfe from all hurtfull things, destructive and obnoxious thereto, to the uttermost of his power.* Overtons *Appeale*, pag. 3. If this be true, then hath the Common-wealth of *ENGLAND* great reason to looke about, and beware of this mans designe.

[q] But who are they? *Vaine and light fellowes*, like such as followed *Abimilech.*

[r] Wee hope when this Case and Craft which is here discovered, shall be understood by the people of this Nation, hee will have little cause to boast any more of *Power* here.

3. *Captain* John Bartlet *saith, About the* 20 *of* July, 1652. *in an Arbor in* Plaringdoll, *three miles from*

Oſtend *in* Flanders, *Lieut. Coll.* John Lilb. *did propoſe to Coll.* Charls Lloid, *Quarter-maſter Gen: & Engineer Gen: to the late King, in the late Wars in* England, *and to Capt.* John Bartlet *the Examinant, and Captain* Luke Whittington, *Agent for the King of Scots, that if the ſaid* Charls Lloid, *or any of the aforeſaid perſons would procure him* * 10000 *l. he the ſaid* Lilburn *would ſettle the King in his Throne (to wit,* Charles Stuart) *in* England: *And that the King (to wit,* Charles Stuart) *ſhould never come into his Throne, but by the ſaid* Lilburns *means.*

4. *Richard Feot* affirmeth that hee heard Mr. *Lilburn* ſpeak theſe words: *If my Paſſe come not up, and I find that its* Cromwel *that hinders it, as it muſt be, for it lies in his power, I will either kill him my ſelfe, or ſ ſend one to do it: Then one of the Merchants asked him how he could doe ſuch a thing with conſcience? he anſwered, tell not me of ſ Conſcience in this caſe: For if I am baniſhed without law, conſcience, or equitie, and deprived of my naturall Ayre to breath in, which is every mans birth-right, I may ᵘ juſtly right my ſelfe if I can. If I would take a Hare or a Deer, I ought to give them fair play becauſe they are Feaſts of Game: but if a Fox or Wolfe, I may uſe what device I can to kill him. So if* Cromwel *keepe himſelfe above the law, that I cannot have my right by the law, I may kill him how I can.*

* It is reported of one, who for the like ſum of money was hyred to kill a man: And having done it, hung the money about his neck, and went up and down offering it to any man that would cut his throat: *poſt ducat amara. Gravior. inimicus, qui latet ſub pectore.*

ſ This ſhewes what for *Agents* hee had.

ſ Note that the Levellers hold *that there is no heaven nor hell*: No *reſurrection of the fleſh, for to take it ſo in the letter (they ſay) is a dreame of our Preacher.* New Law, p 78. ᵘ How juſtly? whether is there any ſuch Law in *Magna Charta?* We mention not the Scriptures: *For all that we call the hiſtorie of the Scripture, Levellers ſay is an idoll.* New Law, pag 97.

The *Sepiæ*, a certaine kinde of Fiſh, perceiving themſelves in danger of taking, by an inſtinct which they

they have, do darken the water, and so many times escape the net which is laid for them. Mr. *Lilburn* finding himself here almost taken, seeks to get off by such a device, as *blacking the water*, partly by denyall, and partly by aspersing the [x] Witnesses, as to be *Spies, suborn'd, Rogues, Knaves*, &c. Here now our business is, to lay downe some *Rationall Considerations*, as to the *proof of the Charge*; that is, whether the impartiall and understanding Reader (walking by the rules of Judgment and Reason) is to believe his bare and single denyall, though backt with Vows [y], Protestations, Asseverations, &c. rather then what these I upon oath have attested. The whole Charge may be cast into three heads, or branches.

1 *His resolution to kill the Lord Generall* Cromwel.

2 *To destroy the Parliament and Councell of State.*

3 *To settle King* Charles (*as he call'd him*) *in his Throne in* England.

Of these wee shall speak in order.

Concerning *the killing of the Generall*, that he said it, and intended as much, we have these Reasons to believe it.

For 1. this is no more then what his own [a] mouth hath publickly spoken, that formerly he intended to do it; wherein therefore is it improbable that he might not privately to a few say as much, as before he had openly declared to the world. When a messenger came from *Jezebel* to tell *Elias* that shee had a purpose to kill him; if some other afterward should have told the Prophet, that hee heard her likewise

[x] There is one Capt. *Wendy Oxford*, whom he often in his writings cries out against, as to be a Spy, and sought to murder him: But we do not remember that hee hath any where laid any thing to the charge of these men, as to tax them with any particular miscariages: So that every rational man will give the more credit to what they have testified upon oath.

[y] May not he lye in his protestations here, as he did at his last Tryall, when he took *Jehovah to witness, and protested before God, men & Angels, that he was not the person intended to be banished by that Act.*

[a] It is likely so he will againe, if he can get it out in print, with his name to it; but here he knows how to help himself if call'd to an account: *Who can prove it is mine?*

say

say the same, had hee not reason to have believed this later report also?

Decipies alios verbis vultuque benigno:
Nam mihi jam notus dissimulator eris.

Others thou maist beguile with words, and such face make:
But unto me art so well known, dissembler I'le thee take.

But 2. Wee cannot observe in Mr. *Lilburns* practice and carriage beyond the Seas, any change of his mind concerning *the murdering of the Generall* [b]; but (if wee may give credit to what is published under his owne hand) an increase and growth of desperate wrath, *selfe-revenge, and blood-thirstinesse.* And so much is evident by such expressions. *That grand Tyrant* Cromwel, Cromwels *beastly and abhominable tyrannie: The cheats of that hypocriticall and Alchymie Saint* Oliver, *and his gracelesse Tribe. Their false, treacherous,* [c] *hellish, diabolical & cowardly means. I judge him to be as false as the Devill, and whom* [d] *I will never trust againe whilst I breath, let him sweare and protest never so much: For* [e] *shame my Lord once in your life learn to be just, ought not you your self (my Lord) to be hang'd?* &c.

The [f] *Aspe* in her old age hath all her members decayed, onely her tongue is as bad as ever. This

[b] Yet at his first arrivall, it was, *my Lord and his Excellency, and yours to serve you.* But the Gen: knows, *non facile est eodem & Adulaore & amico uti.*

[c] *Nec tibi dua parnis, generis nec Dardanus author perfide, sed duris genuit te cautibus horrens Caucasis, Hyrcanæq; admorunt ubera tigres.* Virg. Æneid. l. 4.

[d] What man ever shewed more hypocrisie, then after all this, by insinuation and flatteterie to seeke the General's favour.

[e] For shame once in your life shew your self like a man, & be not still a beast.

[f] *Omnia membra in sene deficiunt, excepta lingua, quæ nunquam quiescit.* Wolfang Franzius, hist. Animal. Tract. 4. *Cap.* 2. *pag.* 726. 272.

Booke wherein he thus reproacheth the Generall, is call'd *Lieut: Coll: John Lilburn* [g] *revived.* Now this must be understood only of his venomous tongue: For the Law holds every banished man to be dead. A dead man wee know, smels not the stinck which cometh from him: It was an Argument that *Lilburn was not revived*, saving his *tongue*, that such *Trash* and [h] dung should proceed from him, and hee no way sensible of the stink thereof. But seeing this [i] *unruly member* of his is *revived* (with the Readers patience) we shall set downe a little more, that it may appear, *the intended murder which he acknowledgeth himselfe, and by others since is witnessed, was fixt and setled in his malicious heart.* In a letter to his *Excellencie* thus he writes:

You know I have a quick and [k] *sharpe pen, and therefore give me not cause to challenge you, or any of your Champions* [l] *to draw out a short Epitomy, or into a larger Charge, all that evill that in your owne thoughts you can colourably imagine unto the Bishops, Star-chamber, Councell-Table, High Commission, or any person therein were guilty of, nay or any person since their downfall, by you executed, for the highest of Treasons, Tyrannies, and Oppressions were guilty of: and yet* comparatis comparandis, *for me to aver you out-strip them all, and in particulars to undertake upon* [m] *my life to make good: And that those sayings of God by the Prophet* Ezekiel, *Chap.*

[g] If you wake a drunkard out of his sleep before the drinke be out of his head, hee will rage and take on as if hee were mad: It seems *Lilburn* was in a sleep, being drunk with malice & self-revenge, & being awaked sooner thē he should, carries himself like a Bedlam.

[h] This is the *Dung-trap* wch we mention'd before, *p.* 30. wherewith he hath caught many *malignāt Gnats.*

[i] His tongue hath bin like a mill loose hung, which makes a noise & crackling, but grinds no corn. So with his reproaches and raylings, he hath fill'd all places with a noyse, but nothing have we from him that is profitable and good for the Nation. [k] See how the vain man glories in his shame: As some beasts when they have voyded their dung, turne about to smell to it. [l] Here is so much drawn out to discover the blacknesse and filthinesse of his actions, as all the sope he hath made, had he it by him, would never make him white and cleane againe. [m] But when his life is questioned for such things as he here speaks of, then he will *not own a jot, a tittle, a line, a word.*

16.48.51,52. (*mentioned in the Title page*) *may as truly & as justly be v rised of you as they were of* Judah *or* Jerusalem. *And that you have out-stript* (comparatis comparandis) *all those whom you your selfe count the most wicked men, that you have pulled down, and therefore have done in Actions as much as in you lies to justifie all their wickednesse, that in* [n] *words you have condemned.*

And besides (*my Lord*) *what faith, what truth, what honestie can be in that man, or in that generation of men that by a constant series of his, or their Actions, visibly and apparently declare: He or they hold it lawfull to commit* [o] ANY MANNER OF WICKEDNES OR BASENESSE WHATSOEVER THAT CAN BE NAMED UNDER THE SUN, *for the accomplishment of his or their propos'd end, whether in it selfe it be wicked or righteous, yea to cheat, breake faith with, and murder the nighest Relations a man can converse with, when they* [p] *crosse his end. Yea, and for that end only to raise wars upon wars, to the devastations of Kingdoms and Nations; the gulled, cheated, and abused peoples lives, and truly being of no more value with him or them, then so many dead dogs, serving him or them for no other end but to be his foot-steps, to climb up to the top of absolute and arbitrary power and pretended Authority, or unlimited and unbounded King-ship. And that you my Lord* (*particularly*) *are the man that is guilty of all this in my judgment and apprehension.*

[n] It seems he forgot here, how he had condemned the Lawyers for their large Fees, & pleading bad Causes, afterward did the like, or worse himself.

[o] When Domitian the Father of *Nero* heard the people, upon the birth day of his son to make a great acclamation: he told them there needed no such rejoicing; for nothing could be born from him and *Agrippina*, but what would be pernicious to the *Empire*. Wee may say the same of this mans *brain-conception*, it is so pernicious to the Common wealth, as no man hitherto hath had cause to rejoyce at the birth of it.

[p] We had heard none of all this, *if his ends had not been crost*, & so much cōfesseth himself, & in this hath discovered himself, what he is.

[q] Observe how tender this man is of his good name, as not to be taken away behind his back: Thus he writes, *I intreat your Lordships & Honours* (the same men whom he had before cal'd Tyrants and Murderers) *as you are men of honour and conscience, suffer not my good name behind my back to be rent and torn in pieces with notorious lyes and falshoods* A defensive Declar. of L. Col. *J. Lilb.* p. 20. Was there not reason, that he who had railed against them, & behind their backs so many notorious lies and falshoods should be heard and satisfied. When

When we ſee ſparkles and flames to come forth from the mouth of an Oven, wee know that fire is ſtill within: Thoſe *flaſhes of his tongue*, what do they ſignifie? but *fire continued ſtill in the fornace.* That is, the execrable murder intended againſt his Excellency before his baniſhment, was kept up, and continued in his heart, all the time of his abode in other Countries.

But 3. That the Reader may believe the forementioned Charge to be true, rather then what hee ſpeaks to the contrary; we ſhall here ſet downe his owne words in print, which doe amount to as much, as by the witneſſes is aſſerted in this particular. Having declared his willingneſſe to ſurrender his Eſtate into his Wives hand, hee adds this as the reaſon: *That I might be left* (ſaith hee) *to my ſelfe, to manage my owne private buſineſſe, as a maſter-workman, or a poore inſtrument in the hand of the Almighty, to the purpoſe to* [t] *chaſtiſe that hypocriticall and Alchymie*, Oliver Cromwel.

Now becauſe this might ſeeme to be ſome-what darke, the word *Chaſtiſe* being ambiguous, hee explains his meaning a little after, *I am totally and poſitively reſolved* [t] *never to ſee* England *ſo long as* Cromwels *hateſull, deteſtable, and beaſtly tyranny laſteth*, UNLES IT BE IN A WAY TO PURSUE HIM AS THE GRANDEST TYRANT AND TRAITOR THAT EVER *ENGLAND* BRED, OR THE PEOPLE THEREOF EVER READ OR HEARD OF: *And therefore once again in good earneſt,* [t] *ſound Trumpets and Drums, and have at thee* Oliver *with all my might.*

Can any man imagine, that hee would ſet this

[t] The tongue is a ſcourge, and many by it have been wounded in their good name.

[t] It is by moſt believed, that his coming over was to make good what here he ſaith. It was wel we knew ſo much before hand.

[t] Here is open war proclaimed, but he forgets *Nulla ſalus bello: pacem te poſſimus omnes, pax optima rerum quam homini noviſſe datū eſt: pax una triumphis innumeris potior pax cuſtodire ſalutem, & civis æquare deos.*

this to the world, and not say as much (if occasion serv'd) in the hearing of his Friends, especially to those persons, for whose sake this *chastising* and *pursuing* of the Generall was to be undertaken.

It is said of *Ladas*, *Alexanders* foot-man, that hee ran so lightly and swiftly upon dust or sand, as the print of his feet could not be seen: But this man steps harder and deeper, as leaving still behind him such remarkable prints of murder and Treason, that a man may easily trace him every way, as he runs along before him.

There are severall other passages in his writings, wherein he declares an intent to do the Gen: some mischief. *Let them give* Oliver (he means the *Dutch*) *a box on the eare, on the one side in their owne way, and give me but leave in my owne* [u] *way to give him a box on the other eare: And if I do not doe it heartily, and to the purpose, I wil freely give them leave to account me a knave for my paines: And if I do it heartily and effectually, although it be not in every punctillio in their mode, yet I am sure* [x] *they can be no loosers by it.*

We do not gather these things up, as thereby in any way to move the Generall against him, or that he should be otherwise towards him then formerly he hath been: *Suffer evill doers patiently.* For

Nobile vincendi genus est patientia: vincit
Qui patitur: si vis vincere disce pati.

But we do it to this end, namely, to shew that

[u] What his way is, you have seen it before, as likewise in the examination of Capt. *Titus*; *Give me* (saith he) *but the monies that I propose for, and I le have my Agets, (for I have enough of them) that shall give me a continuall account of all the Commonwealth of* Englands *proceedings: And by those Agents I will spread my papers abroad, that shall instigate the people against the Parliament, and so by that power I have already, and that power my Agents shall make, by working upon the people, I shall destroy this Parliament, the Councell of State, and the Lord Generall Cromwel in halfe an houre.*

[x] Note how hee openly declares to be an Enemie to this Common wealth, and would ingage in the behalfe of the *Dutch* to the prejudice of our Nation: *Quidquid hostis facit jure belli agit ac suspitit, & licet turpiter sæpe facit quod sit hostis, tamen cum hostis sit, turpiter non bellum gerit.* Arg. *l.* 4. Si sed quod D. Con. Obrump. Caus.

there

there is [y] reason to believe his Accusers, and not he; seeing what they have witnessed *concerning his intent to murder the Lord Generall* Cromwel, is no more then what he did resolve to do by his owne [a] Confession. Again, since that time, is grown more malicious, and in his later writings, hath publiquely declared a purpose to do the very same thing.

We proceed to the second particular, to wit, *of his intent to destroy the Parliament and Councel of State.* That this may be true, and the lesse doubt to be made of it, consider,

1. During the time of his Banishment in the Netherlands, he counted the Parliament no other then he had done before, [b] *viz. Tyrants, Traytors, Murderers, Knipperdolings; Men that exercised a tyrannicall & arbitrary power, a kingdome of brambles,* highly commending *the history of Independency*, as the pen-man to be an *understanding Author:* and among other passages cites these as [c] *most remarkable, and notable,* where he declareth and protesteth that the Parliament *as a combin'd treacherous Faction, have forced an* Inter-regnum, *and* Justicium *upon us, an utter suspension of all lawfull Government, Magistracie, Lawes, and Judicatories, so that we have not* (jure) *any Lawes in force to be executed, any Magistrates or Judges lawfully constituted, any such Instruments of the Law, as a lawfull Great Seale, or any Authority in* England, *that can lawfully condemn, and execute a Thiefe, Murderer, or any other offender, without being themselves called Murderers by the Law.* [d] *All legall proceedings being now* Coram

[y] And the rather to be believed, because we know not of any thing that he hath to lay to their charge, whereby the truth of what they do affirme should bee questioned.

[a] The Law saith, *Confessio superat omne probationis genus.* Confessiō is beyond all other kind of proof. *Bern. in l. Si confess: de Cust: reorum.*

[b] *John Lilburn* revived, *second letter*, pag. 7.

[c] It is no marvail that hee cals this *remarkable and notable*, for it is no more then what he useth to write himself; so that in commending of it, he highly applauds himself.

[d] *Milo Crotoniates* whilst he was tearing asunder the stock of an Oake, his strength failing him, the Clift suddenly closing, was held so fast by the hands, that he became a prey to the Beasts of the field. The like thing is hapned to this *Historian*; whilst he was cutting downe with the Ax of Treason the Common-wealth, hee was caught and laid fast by the heels.

non judice: *Nor can this remaining Faction in the House of Commons, shew any one president, [c] law, reason, or authority whatsoever, for their aforesaid doings, but onely their irrationall, tyrannicall votes, & the swords of their Armie.*

[c] There have been Presidents, Law & Reason enough, were not he and *Lilburn* like him who said, *Non persuadebis etiam, si persuaseris.* We say, *nulla tam sancta lex est quam non deponeat, si salus populi postulet urgeatque necessitas, mutare.* Bod. de Reip. l. 4. Again, *Quod non est licitum in lege, necessitas facit licitum.* Againe, *nihil quod est contra rationem est licitum.*

Here we have Mr. *Lilburn*, and the *Anti-Independent Historian*, like *Herod* and *Pilate*, made friends. And that Mr. *Lilburn* may have the more respect among *Malignants*, he brings this *understanding Author* with him, *who is* (as he saith) *a Cavallier sufficient, even in the highest, and yet speaks not reproachfully or contemptuously, but honourably of him.* But could he do lesse? seeing they are here, not two, but [f] all one in Trason against the State, even combin'd and knit together. But to the point in hand.

[f] Like *Samp-son* Foxes, though their heads be asunder, yet their tayls tyed together, with firebrands between, both seeking to destroy the peace of the Nation.

It being his opinion that the *Supream Authority* of this Nation is unlawfull and tyrannicall, what rationall man will not think, *that without the least scruple of conscience, he can as willingly and effectually destroy these men in power, as so many Weasels and Poulcats*, as to have formerly murdered the *Junto*, or *Gentlemen* sitting at *Westminster*; the later being (in his understanding) as very Tyrants, Murderers, Thieves, as the former were: And seeing his conscience was free thus to act, [g] why might not his tongue be as forward to declare the same?

Then 2. That Mr. *Lilburn* did speak the words whereof he is accused, wee have reason to believe; because we find among his writings, that could such a thing be done, it would content him very much, and the Authors of such Treason & Murder, should

[g] *Querie*, If he can get as many to follow him as will enable him with His sword in his hand, whether he will not do Justice and Execution upon those sitting at *Westminster*, as he said he would do Execution upon the former.

be

be reputed *the true lovers of the Liberties and Freedomes of* England: That it may appeare our purpose is to deale candidly and fairly always with him, we shall here insert his own words: [i] *Only here is* (saith he) *their alone feare that now trouble them*, viz. *that in the absence of their Land Army, the true lovers of the Liberties and Freedoms of* England, *should have had an opportunity thereby, to imbodie together, and so force the establishing of their long promised, and long contended for Rights and Freedoms: And then* [k] *good-night* Oliver, *and all his hypocriticall Cheats.*

It is an opinion among the *Turks*, that untill men come to be of their Religion, they are *Meshumadim*, sinners, and *lost*; but turning *Turkes*, *Musulmanim*, *servati*, as if then they were saved, and not before. Whosoever will looke over this mans Books, shall find, that so long as people are sober, peaceable, well-affected to the Government established, they are (with him) *no lovers of the Liberties and Freedoms of* England: But if they turn Rebels and Traytors against the State (which hee calls *imbodying together*) [l] then *servati*, *gallant blades*, *true Burford friends*, *worthy Souldiers*, &c.

3. Neither is it without ground to believe that such words were spoken by him, considering what is here said, as to the meanes and way *how he would destroy the Parl. and Councell of State*, it is the same which else-where he declares publiquely to the world, *viz. by* [m] *Agents which should spread his papers abroad to instigate the people against the Parl.* What these *Papers* are, and the issue and effect which he expects by them, he tels us thus.

[k] *Lilburn* revived, first letter, p. 12.

[i] So the *Jesuits*, when they would perswade a man to execute any bloody design of theirs, for encouragement, tell him that in doing so & so, he will shew himselfe *a true lover of the liberties of the holy Church*. *The great Case*, &c.

[k] We know he looks for such a *night*, in which *England* may have cause to say, *venit summa dies & ineluctabile tempus Britanniæ*, &c.

[l] As *Saul* held them all for his enemies that would not joyn with him to destroy *David*: Only *Doeg* is his *true friend*.

[m] There have been so many of these *Agents* whipt, and sent to *Bridewell* (being the rascality of the Nation) as few dare to follow the Trade any longer.

I have

I have a long time in my imagination laid downe a [n] *method to my ſelf (which I would not* [o] *willingly go from) by me to be uſed in appearing in print againe to the world, rationally and* [p] *methodically, to prepare and make way for my former Appeale to the* [q] *body of the People of* England. Now to know his meaning here; This writing is intended againſt *his cruell Judges, who meerely for the accompliſhing their owne ends, tooke away the Kings life, that ſo when they had ſlain him, they might take poſſeſſion of his Power and Eſtate, and at their pleaſure* [r] *divide it among themſelves, and their ſlaves, and by the ſtrength and power of it,* [s] *domineer arbitrarily and tyrannically over the lives, liberties, and Eſtates of the anciently free people of* England, *&c.*

Therefore to deſtroy theſe Tyrants, *I will* (ſaith he) *do the beſt I can in my Appeal, to diſcover the cheats of Alchymie Saint* Oliver, *and his graceleſſe Tribe in that Vote: Alſo I will* [t] *inſtruct the people of* England, *in the beſt way, method, or form that I can, to ſet themſelves in, to obtaine the reall exerciſe of their declared rightfull ſupream power. And alſo produce them ſeverall* [u] *Preſidents from the practice of the people in the Ancient and moſt famous Common-wealths of* Rome, *and the Ancient Græcian Common-wealths of* Athens, Corinth, Thebes, *&c.* [y] *How they practiced their Supream power upon many occaſions, even upon the greateſt Generals, No-*

[n] *Caute ſi non Caſte.*

[o] That which is bred in the fleſh will hardly come out of the bones.

[p] Of this we have ſpoken, viz. the ſeverall wiles and ways wch hee hath uſed to deſtroy the Parl. & Army.

[q] Here wee muſt underſtand his *Agents*, for to others his writings have bin a trouble and a burden, but *qualis herus talis ſervus.*

[r] Who tooke away 2000 acres of land, & divided it?

[s] The fruit of a tree in the *Weſt Indies* called *Tigma*, will fatten ſwine, but it's naught for men. We ſee how this man fills his belly with reproaches and rayling, which to others is moſt hatefull.

[t] Here ſome things are left out, viz. with *Machiavels principles, and Jeſuiticall doctrine.*

[u] Namely from *John* of *Leyden*, *Wat Tyler*, *Cades*, *Kets*, & ſuch like, having gotten the quinteſence of them all.

[x] If he had not told us this himſelf, we ſhould not have thought he had read much more then *Magna Charta*, and our owne Engliſh Law-books.

[y] If he have read ſuch *Stories*, he can tell us ſomething, how the *Supreame Authority* of theſe Common-wealths dealt with *Incendiaries*, and can tell us of hundreds, ſome that have been baniſhed, others put to death for leſs Treaſon, then he hath commited againſt our State.

ble-men,

ble-men, Senators, or Parliament-men they had. And there is abundantly more Reaſon and Ground for the people of England, NOW TO CONTEST EVEN TO THE DEATH *for the Election from among themſelves of Tribunes, or Keepers, or Defenders againſt the annihilating incroachments, that their preſent tyrannicall Riders have already made upon them, then ever in the dayes of old,* &c.

Whilſt there was a conteſt among the birds about a Roſe found in the way, a miſchievous Owl came in the night and carried the flower away: It is probable enough, could he but occaſion *the* [a] *conteſt* he ſpeaks of, *viz.* make a diſſention and breach between Parliament and people, hee would cunningly deceive all parties, and get the Roſe to himſelfe. But let us heare what he ſaith further.

And alſo I will [b] *ſhew them Grounds and Reaſons to demonſtrate clearly to them, that there is in manner a great neceſſity for them to conteſt for the eſtabliſhing by a law (as to conteſt for the ſafety of their lives) thoſe two eſſentiall Maxims, without which* England *in a Common-wealth can never be free.* viz.

Firſt, that the Chief Commander of their Militia, or the Generall of their Forces, by Sea or Land, be often removed, at leaſt once every two years, upon pain of [c] *immediate death upon the leaſt refuſall to ſurrender his Command.*

2. *That they make ſtrict & ſure proviſion for the keeping out at one and the ſame time divers of one familie or kindred in their chief places.*

Seeing Mr. *Lilburn* pretends to have ſome knowledg in the *hiſtory of Common-wealths*, wee ſhall tell him

[a] This conteſt which he ſpeaks of is like the Herb *Cohobba*, wch being ſnuffed up into a mans noſtrils, makes him mad; ſuch a powder he gives to his *Agents*.

[b] His *ſhewes* are like thoſe fires which by night appeare burning on hills, which if a man follow, they will inſenſibly lead him into terrible downfalls; the truth of wch he hath experienced himſelf, and many more by his occaſion.

[c] The *Romans* in great perils created a *Dictator*, by whoſe command all things were done It is much, ſeeing Mr. *Lilburn* is ſo skill'd in hiſtory (ſpecially the *Roman*) that he acquaints not the people with this office; it's likely he thinks they would not chooſe him, and therefore it's conceal'd.

him what was practised in the Commoa-wealth of the *Lycians*. There it was ordained that all those that propounded any Novelty in matter of State, should deliver it in publick with [d] a halter about his neck, to the end if their *Propositions*, were not found to be good and profitable, the *Authors* should be strangled in the place: That these things are *Novelties*, he knew well enough; and we know as well, that in propounding them, he meant neither good, nor profit to the Nation: But like an Enemie without the walls, casteth *Granado's* and *Wild-fire* in, not regarding where it falls, so it may doe some mischiefe and hurt amongst us.

But one thing here, is remarkable, to wit, how evidently his own grosse hypocrisie is discovered by himself. Mark all Readers that have sense; he pretends as if the *Liberties & Freedoms of the people* were deare to him, and hence it is, that he writes so much against *Tyranny* and *Oppression*. Whereas it is [e] otherwise, his mouth witnesseth against him: For thus it follows.

If by the help and benefit of this intended Appeale, the people of England *come to assume unto themselves the true exercise of their publick declared power, that their present Tyrants in words have already instated them in, and deal with my grand Adversaries thereby according to their demerits. Let my bloody and malicious Adversaries* THANKE THEMSELVES IN NOT LETTING ME ALONE TO SIT UNDER MY OWNE VINE IN PEACE AND QUIETNESSE. [f] So then if Mr. *Lilb.* had *been let alone*, and not crost in his will and way,

[d] That which he hath published since his coming over concerning Parliaments, not having *power to alter fundamentall Laws*, is such a *novelty* as hee had been hang'd for it, had hee published it among the *Lycians*.

[e] The *Jesuites* protest to live by begging, yet so *uti, vel non uti prout commodum videretur*, to do it, or not, as they see occasion. *Hist. Tyent*, l. 10. so is he for the *peoples Liberties*, to speak or not to speak of it, as he sees it is best for his own advantage.

[f] And so much hath apeared in all *Incendiaries* and *disturbers* of *States*: Only their own Interest, because they have been unsatisfied in some things concerning themselves: Thereupon have made Insurrections & Tumults, and to draw the people in with them, have cried up *Liberty* & *Freedom*, whereas the publick good was not at all minded. there-

there had been no *Appeale* made, *No Hue and Cry* after Tyrants, Murderers, Thieves, *&c.* nor any need or cause so to do. It was not *the peoples Liberty & Freedom* that mov'd him thus against the State, but (as he saith himselfe) his owne private Interest: namely because he could not have such things (as [g] money, lands, preferment) as he expected: All which we know to be true, had not his own mouth spoken it.

Wee come now to the third and last particular, *viz. To settle* Charls Stuart, *King of* England (*as he called him*) *in his Throne in* England. That he should thus speak, and promised so to do, wee have these reasons to believe that the same is true.

[h] *No man* (saith he) *was more against the putting of the last King to death then my selfe, and spake more to the Grandees teeth about it, then all the Cavalliers put together in one, avoidably durst have done.* Yea so highly displeased was he with that action, that *had there been two sons of his own Judges in the high Court of Justice, he would have* [k] *chopt off both their heads for conspiring to overthrow and destroy the liberties of the Common-wealth: following herein that famous and renowned Consul* Lucius Brutus *in* Rome. See here how like another *Jehu* he calls out to the Cavalliers, *See my zeale to your Lord and Master.*

Againe, [l] *the King most illegally was put to death, by a strange, monstrous, illegal, arbitrary Court, such as* England *never knew.* This speech of his is much like the Answer which [m] *Pythius* the Priest gave to *Pyrrhus* the King of *Epire.*

Aio te Æacida Romanos vincere posse.

[g] But that we think hee understands not *Latine*, otherwise one would have thought he had read *Seneca*, where it is said, *Pecunia ingens generis humani bonum: cui non voluptas matris, aut blanda potest pareſſe prolis, non ſacer meritis parēs.*

[h] Neither hath any man shewed himself a greater dissembler then he hath done in this particular, *viz.* in doing as much as any man to have the K. put to death, and afterward to pretend he was against it.

[i] *Lilburn* revived, 2 letter, p. 6, 7. we only relate what hee saith himself as speaking now to the *Caval.*

[k] This is the man, who a little before sold us, that if he had been let alone, he would never have medled with matters of publicke concernment.

[l] *An Out cry of the young men*, p. 2.

[m] *Cicio. de divin.*

An Answer so dubious and discrepant, as it cannot be gathered from it, whether *He* or the *Romans* should overcome: his speech here is of the like ambiguity and darkness. For ye cannot directly say, whether he thought the King guilty and worthy of death, yet so, as not to have suffered in the manner he did: or whether innocent, and so not to have suffered, (as to his life) in any judicatory way at all. Now in this, there was some reason why hee should not be [n] too open, for thereby he might have lost the Interest of some parties, in not joyning with him in the GRAND DESIGN.

2. Not only hath he apparently declared, *Prince* Charls *Apparant Heire to his Fathers Crown and Throne*, but likewise in his former papers hath most treacherously perswaded the people to receive him, as being a thing justifiable before God and man, and very much to the prosperity and welfare of the Nation; his owne words are these.

I do not see but you may more justifiably before God or man joyne with the Prince himselfe (yea I am sure [o] a thousand times more justly) then the present ruling MEN: and if we must have a King, [p] I for my part had rather have the Prince then any man in the world, because of his large pretence of Right, he being at Peace with all Forreign Nations, and having no Regall pretended Competitor.

[n] The *Turkes* Painter being to set forth severall Nations according to their dresse and habit, leaves one people naked: and being demanded a reason thereof, Answered, he knew not what apparell to put on them. So we must here leave this man naked, as being ashamd and affraid to speak out his mind as to the taking off the Kings head (as waving the manner of the proceeding) whether as a King the people could have put him to death or no. *Machiavels maxime is, that in designs men must be close, and in Conspiracie against the State, the complotters therof must not passe the number of 3 or 4.*

[o] Judg Reader, whether this man would not sooner joyne with *Charls Stuart*, then with the Interest of the present Government, if there should be any engagement in War between them; who affirms that it is better a thousand times to joyn with him, then to the present Government.

[p] Not for any love to him we dare say, but as a Thief, cares not how, nor which way he take away the true mans purse so he hath it. Just so it is here; If he might but once see this Common-wealth destroyed; As for the persons, who they were that did it, it would be all one to him, either *Stuart* or *Turke*.

He

He that thinks *Charles Stuart* hath more lawfull right to the government of this Nation, then the preſent Supream Authority, and that the people ſhould do better, if he were here ſetled King: why may not we think that his coming lately over, was of purpoſe to effect ſome ſuch thing?

The *Athenians* having conſpired againſt *Darius* the *Perſian*, he commanded one of his ſervants, that alwayes as he ſate at meat, he ſhould thrice cry, *here memento Athenienſium*, Sir remember the *Athenians*. As we find all along ſo much treaſon and conſpiracy plotted by him againſt the Common-wealth, ſo we know it is our duty to ſpeak of it unto ſuch as are moſt concern'd to look after it. *Præviſa minus Lædunt*, fore-warn'd, fore-arm'd: It is eaſier to ſhun the ſnare, then being in, to eſcape.

But 3. The great familiarity which was between him and the Cavalliers, whilſt he was reſident in the *Low Countries*, [q] is ſufficient to demonſtrate the truth of the Charge in this particular. And for the pretences which he makes, whereby to excuſe himſelfe, wee find them to be rather matter of proof, [r] then any way to weaken the Teſtimonie. Thoſe that were the Parliaments Friends, with them hee neither tooke, nor deſired acquaintance: but ſuch as were known to be their greateſt Enemies, were evermore his familiar and ſpeciall Aſſociates: Inſomuch as by letters from thence we were often advertiſed, *to take heed of* Lilburn, *who had ſuch cloſe and ſecret converſing with our Enemie, as did plainly ſignifie*

[q] It hath ever yet beene held a maxim of all Statesmen, to look on thoſe no other then Traytors, who keep cloſe correſpondēcy and familiarity with ſuch as are known Conſpirators againſt the State.

[r] He would make us believe that the occaſion of the great familiarity between the D. of *Buckinghā* and him, was, that hee ſhould be an inſtrument for the others liberty here in *England*. And is not this a likely thing, that *Buckingham* ſhould be ſo ſimple, as to make uſe of him, or to propound any ſuch thing really to him? knowing him not only to be *baniſhed*, but one who the *State of England* did account as treacherous and dangerous to them, as the Duke himſelf, or rather more.

there was some treacherous design amongst them against the peace of this Nation.

When the *Carthagenians* understood of *Alexanders* intent and great preparation for *Affrica*, *Amilcar* sent one out, who feigning himself to be an Exile, and banished, might be accepted with *Alexander*, learn his secrets, and as occasion serv'd, give him an account thereof. Mr. *Lilburn* would have made the world believe that he was sent over into *Holland* as a *Spie*, to discover unto the State here the counsels of the Cavalliers. But (*hoccine credibile est aut memorabile*) how could hee thinke that any [r] man should imagine such a thing.

[r] Unlesse hee thought us to be like the *Blemmye*, a people who have neither heads nor eyes, and so could neither see nor understand things though as clear as the light.

1. Having protested against the putting of the Father to death.

2. Shewed such large affection to the Son.

And 3. for this Government, none had more oppos'd it, nor done halfe so much for to destroy it, as he had done.

[s] And as this is truth, so *pœna gravior gravius peccanteb: debetur pœnæ autem leves non possunt refrænare Juventatis insaniam, & ingenij ferociam: Neque possunt ita facile rerum bene statarum contemptores ad temperantiam reducere.*

So that the Cavalliers had no Reason to mistrust him, but might freely and safely take him into their Counsels, there being nothing intended by them as to the overthrow of the present Government, but wherein he was one with them, and [s] more forward and active then any of them to put it in execution.

4. When *Saul* sought to excuse himself, he was demanded of *Samuel*, *quid ergo sibi vult vox pecudum istarum? what meaneth then the bleating of the sheep in my eares?* So we may say to Mr. *Lilburn*, denying the Charge, what means the tumult and noise of the Malignants for him? why are his *Juries* so corrupt, as contrary to Law and Justice, doe acquit him? wherefore

wherefore doe all ſeditious people ſeeke his [u] enlargement? It is not for any love they have to him, or deſire of his advancement: But knowing how artificially he can plead their Cauſe as to the re-eſtabliſhing of Monarchy, Tyrannie, Epiſcopacy, under the fair pretence of Liberty and Freedome, all this ſtir and trouble is made about him.

So the Rower in the Boat waftes the paſſengers over the River, they are contented, though all the way he lookes on the other ſide. What cares the Cavalliers, which way *Lilburn* looks, whether hee ſpeaks for them or againſt them, all is one; they know what his work is, and what he is come about, namely to waft over if he can, *Charls Stuart*, and to ſet him upon the Engliſh Throne.

5. And laſtly, this particular Charge is the more likely to be true, not only becauſe he hates the preſent Government, and deſires the ruine of it, but becauſe there is no way more probable to accompliſh what he would have done, then to joyne with the Cavalliers in *Charls Stuarts* Intereſt. It is ſayd of *Tiberius*, he would have *Caligula* to reigne, that hee might deſtroy the people: Upon ſuch an account would *Lilb.* ſettle HIS KING among us, [x] meerly to deſtroy godly and honeſt men, in their Religion, Liberties, Laws, Lives. Not of any good will to him, but that hee might be [y] revenged on thoſe which would not have him to domineer and play the Tyrant.

Having ſhewed his actions both at home and a-

[u] As the *Jews*, though they were of ſeverall Factions, yet agreed all together to have *Barabbas* releaſed, who had made an Inſurrection in the Citie, and to have Chriſt put to death: ſo the Enemies to this preſent Government (howbeit differing among themſelves) yet in this do all accord, *viz.* to have *Lilb.* ſet free, one that hath ſought to make many Tumults and Revolts in the Nation, and would rather have honeſt men to ſuffer then he.

[x] Hence is that ſaying, *Homo non homo, iratus.* Againe, *magna ira multos peridit mortalium.*

[y] It is reported of *Bajazet*, that ſhewing one day the pleaſure of hawking to the *Count Nevers*, cauſed almoſt 2000 Faulkners to be kill'd for one Hawk that had not flown well. In ſuch a way for all the world would he be revenged upon the Nation, becauſe ſome have not *flown* or acted to his mind, through diſcontent, multitudes muſt periſh for it.

broad

broad, we now come to speak of his return; And here are many things, very remarkable, as to the time, manner, and other circumstances,

1. We are altogether unsatisfied, as to the occasion of his coming over. He had before declared to the world; That *England was too little for him and Cromwel:* And *was totally and positively resolv'd (if he could choose) never to see* England, *so long as* Cromwels *most hatefull, detestable, and bloody tyranny lasted, unless it were in a way to pursue him as the* [a] *greatest Tyrant & Traytor that ever* Engl. *bred: and had rather live in a voluntary widowhood all his days, then to live under* Cromwels *bloody Tyranny.*

Again, when he was here, *he was scarce able to resist the dangerous and hazardous temptations concerning the killing of him:* Yea, *and had resolved at the Parliament doore to have murdered him*, but for the Reasons formerly mentioned: These are his own words.

Now taking it for granted (as wee suppose hee would have it so to be taken) that LIEUTENANT COLONEL JOHN LILBURN is not *aliud stans, aliud sedens*, one while for the thing, another while against it; but as he saith himself [b] *setled, fixt, constant, semper idem.* We must necessarily conclude (and all rationall men with us) That the Reason of his *Return* was for the prosecution and execution of his malicious and bloody intent: And because it is possible he is as well skil'd in Logick as Law, we shall frame an Argument, Thus.

[a] *Tacitus* mentioneth one *Vibulenus*, much like this man, who caused a mutinie among the Souldiers, by accusing falsly the Lieut. Now the things wch he charged him with, were most horrible, but all untrue; yet he thought it would take the more with the souldiers, because he did accuse him of such foul and gross things.

[b] There is a passage of his worth the observing: *I was told* (saith he) *that the Gen: upon the Tuesday that I was called to the Barr, &c. appeared openly in the House as the grand and principall man that caused me to be banished; in all which regards and considerations, I was then of opinion, and yet am not fully altered, that I had just cause to write and speak as evill of the Generall, as my tongue or pen could invent: A defensive Declaration of Lieutenant Colonel* John Lilburn, *p* 15. Note 1. That this was since his coming over. 2. How hee still raiseth his reproaching of others, from his own particular Cause and Interest. 3. For such as doe him wrong, *hee hath just cause to write and speake as evill of them as he can.* This later is his owne doctrine, not Christs.

Mr.

Mr. *Lilburn resolv'd and purposed, if ever he came into* England, *it should be to destroy the Lord Gen:* Cromwel:

But M. Lilburn *in his resolutions and purposes is fast, settle, constant.*

Ergo, *Mr.* Lilburns *coming over into* England, *was to destroy the Lord Gen:* Cromwel.

Neither the *Proposition* nor *Assumption* can be excepted against, or denyed; For wee have his owne hand to prove both.

Gregoras his Fox (in the fable) being black'd over with Ink, told the Poultry, he much repented him, to have used them so ill; but that hereafter they might converse with him, since his habite and condition permitted him not to live otherwise then innocent. We could not perceive that Mr. *Lilburn* before he cameamongst us, had done any thing, as to a visible change in outward appearance: we never saw [c] any *Blacke* that hee had, no sorrow or repentance for his former Insolencies and miscarriages: But as if he should have said, *Ille ego qui quondam; Behold I am the man, who whilst I was here, and since my abode beyond the Seas, have severall wayes sought the destruction of this Common-wealth, and without any change of my resolution, mind, or puurpose, am return'd again unto you.*

2. Concerning the *Passe* which he speaks of, in a letter to his wife. Here wee cannot but admire the mans presumption: That he should not seeke for a *Pardon*, but a *Passe*: as if the State would have been so careless and improvident of the peace and safety of the Nation, as presently to have [d] opened their gates, and let him in, whom they had cause to suspect

[c] He speakes sometime of *living peaceably* and quietly under the present Government, & at the same time dispersed severall printed papers full of sedition.

[d] As the *Trojans* did when they tooke in the *wooden horse*, in whose belly lay hid the *Grecian* souldiers, *Dividimus muros & mœnia pandimus urbis, accingunt omnes operi*: But what follows? *Inclusos utero Danaos & Pinea furtim laxat claustra Sinon, illos Patefactus ad auras reddit equus lætiq; cavo se robore promunt.* No lesse could be expected to cõe out of his head & heart, but dangerous plots clofely hid against the State.

pect, purpoſely came over to betray them.

But 2. how is it that he ſeeks now to the General for a *Paſſe*, ſeeing not long before, he profeſt *it could not ſtand with the ſafety of his life, nor could hee be ſecure, ſo long as* Cromwels *abſolute tyrannie laſted, upon any promiſes that he could make before God or man: For by too large experiences, he judged him as falſe as the Devill himſelfe, and one whom he would* [e] *never truſt again whilſt hee breathed, let him ſweare and proteſt never ſo much.*

Here is a great ſecret, that Mr. *Lilburn* ſhould deſire a *Paſſe*, and afterward petition the Generall for his Enlargement, and yet *neither truſt him, nor believe him.*

Now we may not charge him, as to be fickle, wavering or unconſtant, but reſolute; the ſeeming contradiction is to be reſolved thus:

Hee deſires leave to return, and liberty to goe where he liſt: not that he would *believe, or truſt the Generall,* or thought his life any way ſafe, or ſecure to live under him: but having ſuch an [f] advantage, he made account to bring to paſs his deſigned Treaſon the ſooner, eaſier, and more effectually.

Mariners when they tack about, alter not their courſe, it is only to take more wind into their ſails, that ſo the Veſſell may run the ſpeedier, and come the ſooner to their Port. This was only [h] a *Tacking about* for the *wind ſake*, no change of mind or reſolution: And we muſt needs ſay, as to the thing intended, he ſhewed himſelf a *maſter worke-man*, for there was now a neceſſity of ſuch a *Leevere*, or turning [i] *a little* to reach the haven of his expectation.

[e] Wee find in his writings, that he confeſſeth the Generall had been very reall and helpfull to him, and had done him many great kindneſſes; but ſetting aſide his reproachfull language, there is not only reaſon or cauſe, wch he ſhews, why he ſhould not truſt him.

[f] The fiſh feels the hook before ſhee ſees it: *Quod palam hoc clam.*

[h] And the rule is good: *Satius recurrere quam male currere. Quod male cœptum eſt, ne pigeat mutaſſe.*

[i] To have turn'd *much*, it would have given occaſion of ſome ſuſpition to he other party, as if he had left them, and declin'd heir cauſe. *In medio tutiſſimus ibis.*

3. Wee

3. We find that it hath been the ordinary practice of all *Incendiaries*, both in this Nation and elſewhere, whenſoever they have intended to put their premeditated Treaſon in execution, to do it upon [k] a change of the Government of the State: partly becauſe things are [l] then unſetled and looſe, and partly becauſe at ſuch *Turnings* and *Changes* many men are [m] unſatisfied, and diſcontented, and ſo the readier to make tnmults, & inſurrections. And this was not unknown to him, whoſe knowledg in ſedition hath exceeded moſt: And therefore takes the advantage of *Our Change*, there being no fitter opportunity then now, *to manage his owne preſent buſineſſe, as a maſter-workman to the purpoſe.*

4. In *the Letter to his wife*, a little before his coming over, he preſſeth her very much [n] *ſpeedily to get him a paſſe:* And *one reaſon moving him* (as he ſaith) *to make the more haſt, is, becauſe if I come over, and finde things in a handſome way to my liking, I have ſomething of very great conſequence to ſay ſpeedily to ſuch a great faithfull man, as I ſhall truſt.* The Law ſaith, [o] *A doubtfull action is to be taken in the better part, and the* [p] *fairer interpretation muſt be made.*

Againe, [q] *in doubts the nobler preſumptions are alwayes to be choſen.* Now howſoever our deſire is to walk ([r] where we can) by ſuch charitable and Chriſtian rules. Nevertheleſſe conſidering here, the condition of the man; As

1 That he counts few to be honeſt and *faithfull*, but *Rioters*, and ſeditious perſons.

2 What he calls *matters of great conſequence*, are

[k] *Noſce tempus*, or *tempori pari* is the old ſaying.

[l] A ſtake or a pole that is looſe in the earth, is eaſily taken up and carried away, ſo here.

[m] Such perſons are uſually like *weather-cocks*, to move & turn about, if any ſeditious wind blow upon them.

[n] Here is another myſterie, why ſo *ſpeedily*? unleſſe to *ſtrike whilſt the iron was hot.* Indeed time muſt be taken, *fronte capillata eſt, poſt occaſio Calva.*

[o] *Dubium in meliorem partem accipiendũ. l: cum Creditor, de furtis.*

[p] *In re dubia benigniorem ſemper fieri interpretationem.* L: proxime C: de his quæ in Teſtdel.

[q] *Nobiliores præſumptiones ſæpe in dubijs eligendæ. L. merito pro ſocio.*

[r] *Ratio ſit linguæ & orationis Moderatrix.*

[r] ordinarily Conſpiracies and Treaſons againſt the State.

3. To have things [t] *in a handſome way, and to his liking*, is to have the Nation in blood and warr. We ſay, the caſe ſtanding thus, we cannot but conclude, that this paſſage contains *a laying of a ground or foundation in order to the promiſe which he made to* Hopton *and others*, viz. *to murder the Generall, deſtroy the Parliament and Councell of State, and to ſettle* Charls Stuart (*King of* England, *as he called him*) *in his Throne in* England.

Before the creature brings forth her conception, we certainly know what it will be, as to the kind and nature, whether man-kind, bird, beaſt, &c. by the male in whoſe womb it is. It is eaſie to gueſſe what Mr. *Lilburns* conceptions are, and ſo ſutable what he will bring forth, by knowing his nature, and what [u] hitherto he hath brought forth, as ſo many baſtards of his own begetting.

5 In the ſame Letter he writes thus. *But if our new Councell of State or Governours will not caſt a favourable eye upon me, but either denie* [x] *or delay me a Paſſe, ſo that the next Poſt I heare not of it, I ſhall then take it up for granted, that Major Gen:* Harriſon (*being as I heare one of your New Councell of State*) *is my Principalleſt and Grandeſt Adverſarie: and accordingly, I ſhall only take a riſe, from what I was informed, he ſaid in the Houſe at* [y] *my baniſhment: and what he ſaid publiquely at* Alhallows (*when from* Dover *I ſent my Letter to the people that met there*) *To write him ſuch a letter, which already*

[r] Whoſoever ſhal read over all his printed papers, ſhal find that they contain little elſe, but either reproaches & aſperſions caſt out againſt particular men, or ſowing ſeditious ſeed in the Nation.

[t] *Querie*, whether that were not *a handſom way* when his *true Burford frieds revolted?* And ſo when the *Rioters* layd waſt the Incloſures, and deſtroyed mens corn, & habitations? No doubt this was to his liking.

[u] Hitherto *omnia fuit, & nihil fuit*, as one ſaid of *Severus*.

[x] *Tolle mores: ſemper nocuit differre paratis.* Again, *Tu propera, nec te venturas differ in Horas: Qui non eſt hodie, cras minus aptus erit.*

[y] Note how at his laſt Tryall he uſed theſe words; *I call Jehovah to witneſſe and doe proteſt before God, Angells and men, I am not the perſon intended to be baniſhed in that Act.* Speaking of the Act whereupon he was indicted, and yet (forgetting the proverb, that *a lyar hath need of a good memorie*) here hee confeſſeth that he was the ſame *John Lilburn*,

in

in my [z] *braine I have conceived, as will no way pleaſe him.*

What, ſo high already? and the thing already contrived in his head? This is much. No doubt it was ſome *Arraignment*, or *Hue and Crie*. It is is likely it will come forth; for his head is like a ſieve, keeps nothing in it. But [a] why, *if the Paſſe be not granted*, muſt *Major Gen:* Harriſon *be his principalleſt & grandeſt Adverſarie?* It ſeems the Gentleman being judicious, and of ſingular diſcerning, obſerved more then other men, the deceitfulneſſe of his wayes, and ſo became an inſtrument to preſerve many honeſt hearts (as ignorant of his wiles) from being taken by his ſnares; now this he cannot forget: But *ſound Drums and Trumpets, and have at thee* Harriſon *with all my might.*

Wee queſtion not, but the Reader will here obſerve with what ſpirit this man came over: And the good hand of God towards us, that ſuch reſtleſneſs, ſelf-revenge, and malice, ſhould thus ſtill be diſcovered by his own [b] mouth.

This is the man that makes account to be the *Inſtrument and Actor, for the Reſtauration of our Freedome and Libertie.*

Now herein wee know not whereunto better to like him, then to that *Bird*, which was brought to a certain Citie, to devour the Offals and Carrion, about the place: but her owne dung was ſo much, and ſo intolerable, as they were ſoone weary of her, being [c] worſe a great deale then they were before.

6 Not to ſpeak of the frequent meetings, and

[z] This in likelihood wil be a piece more ſolid then the reſt when it comes abroad: becauſe by his former writings he hath ſhewed to have more *ſand* then *brain* in his head.

[a] We find the cauſe of his *brain-deſign* againſt *Major Gen: Harriſon*, to be thus: *The Major Gen: had ſaid* (as he ſaith) *that there was no credit to be given to him, becauſe he had found him ſo falſe:* Now ſee how tender the man is of his owne good name: But for others they muſt ſit ſtill & beare all his reproaches.

[b] He ſcorns to do like thoſe beaſts, which wipe out with their tayle the print of their feet, leſt the purſuers ſhould follow them by their track.

[c] *Nero* in the beginning of his Reign complained much againſt the ill government of his Predeceſſors, but afterward was worſe then they.

great familiarity, which a little before his return, he had with *Jamot*, *Layton*, *Whittington*, and other Cavalliers in ſeverall places: Being at *Callais*, immediately before his laſt coming over, he ſpent a day or two with the [c] Duke of *Buckingham*, and ſome Colonels of the late Kings Armie, where he and they, with other Arch *Cavalliers* [f] dined and ſupped continually together, who at his departure, brought him at midnight to the waters ſide, where he with two *Cavalliers* (embarqued all in one boat) went away together.

The Virgins in *Cyprians* time, granted they walkd with young men, talked with them, went led with them; but when they came to the Action, they abſtained. Some ſuch Apologie (perhaps) hee will make for himſelf: Familiar they were, but not *cum ſtultis ſtultiſcere, & cum vulpe vulpinari:* No action. But as vaine and unſatisfactorie, as ever was devis'd, to excuſe an Enemie by. Here wee may ſay in his own words, *We are too old with ſuch gins to be caught.* We have learnt ſo much Law, and Reaſon too, as not to believe an accuſed perſon upon his bare denyall of the fact, where we have cleare demonſtration and proof to the contrary.

7 No ſooner is he [g] arrived in *England*, but at *Canterbuire*, in his way to *London*, he preſently begins to boaſt of his own intereſt here; ſaying, *hee had no need of a Paſſe, being as good a man as* Cromwel, *and that he did not feare what he could do unto him.*

[c] Note, that one in the next chamber heard them diſcourſe of the *Lord Gen: Cromwel*, of whom *Lilburn* ſpake very ſlightly, ſaying, *Cromwel, what can Cromwel doe?* The information of *John Staplehill.*

[f] It is a Spaniſh proverb, *dime con quiem ándas y dezirte he quien eres.* Tell me with whom thou goeſt, and I will tell thee what thou art. Had we not other marks to know Mr. *Lilburn* by, his familiarity with theſe men, were enough to ſhew that hee is a trayterous Enemie to this Common wealth.

[g] Two Aſſertions we have already proved. 1. That *no man hath been baniſhed out of this Nation for greater Crimes then hee hath done againſt the Government eſtabliſhed.* 2. *No Engliſh-man in the time of his baniſhment, ſhewed more malice, or contrived greater Treaſon againſt* England, *then he did in the time of his being beyond Sea.* Our third Aſſertion is this: *No man baniſhed out of* England, *being returned againe, ever offered ſuch inſolencies, and high contempt againſt Authoritie, as he hath uſed ſince his coming over, ſpecially for the time.* And here we begin at his arrivall to prove the ſame.

Geeſe

Geese (they say) when they flie over *Taurus*, keep stones in their mouths, lest by gagling they should discover themselvs to the Eagles, which are amongst the Mountains, waiting to take them. But Mr. *Lilburn* in his flight, feared no apprehension, he scorns Authority, and thinks himselfe as potent as any man, and therefore will [h] not have his mouth stopt, but speaks great swelling words, as if hee meant to have put the whole Nation into a dreadfull fear of him.

8 And lastly, what could any rationall man understand, by his appearing so publiquely, and sending by his *Agents* papers abroad, to acquaint people in all places, of his being in the Citie, and where he was, and how to come to him, but a treacherous design to [i] gather a partie to him, whereby to make new Tumults and Commotions in the Nation. And thus much for his coming over.

For his carriage since, it may be considered two wayes:

1. What he hath said.
2. What he hath done.

Of these we shall speak distinctly, and in order. Upon his Tryall at the Sessions in the *Old Baily*, he spake, and asserted the particulars following.

1. Concerning the Act whereupon he was indicted, this he said; *It was a lye and a falshood; an Act that hath no Reason in it,* [k] *no Law for it: It was done as* Pharoah *did. Resolved upon the Question, that all the* [l] *male children should be murdered: That if hee dyed upon this Act, he dyed upon the same score that* Abel *did, be-*

[h] Neither follow this counsell, *virtutem primam esse puta compescere linguam.*

[i] If the sparkles which a man strikes out of a flint do not take & kindle, it is otherwise then he would have it; he useth the steel and the stone to have fire. That these sparkles of sedition took no effect, no thankes to him.

[k] *Smith* in his Book entituled *The Common wealth of England*, saith, *that which is done by the Parliament, is called Fist, fable, & factum, and is taken for Law*, l. 2. ch. 2. This man knew better the power of a Parliament then Mr. *Lilb.*

[l] One thing here he forgets to tell the Jurie, that as *Moses*, one of the *male* children being preserved, was afterward the instrument and meanes of their freedom and liberty. So he had foretold of himself (as one of the reasons why he k ll'd not the Gen:) that he did believe *he should be an Actor or Instrument to procure the full restauration of our English Liberties and Freedoms. Lilburn* revived, 2 Epist. *p.* 2.

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ing murdered by Cain. *That the Act was a voyd Act, a printed thing, there being no one Punctillio or Clauſe in it grounded on the Law of* England, *and that it was an unjuſt, unrighteous, and treacherous Act, and that he doubted not to ſhatter that Act in pieces.*

Wee read of one *Theodoſius*, who having denyed Chriſt, made it afterwards his ſtudy to caſt reproach upon the works and ways of Chriſt. This is Mr. *Lilburns* practice here, having been a continued Enemie to the State, and for his intolerable inſolencies and miſcarriages, neceſſarily baniſhed, he ſeeks to help himſelf by villifying and undervaluing *Parliamentary Acts:* not that there was any truth in it, nor ſo much as good ſenſe in his words, neither any thing as proper to the Jury to heare, much leſſe to be Judges of: But as children and fooles, will part with ſilver and gold, if a counter or toy for it be put into their hands: ſo he knew, by ſuch [m] *by-talke*, and *impertinencies* (ſpecially raying againſt the proceeding of the *Parliament*) how to take away from his *twelve men*, their reaſon, judgment, and conſcience.

2 Concerning the late *Parliament*, hee ſaid, *that* [n] *they could not make an Act of Parliament ſince the Kings head was cut off.* Here the man takes off the vizard from before his face, and will no more trouble the *Attorney Gen:* about producing ſufficient and legall witneſſes; but for the *Treaſon* wch he ſpeakes, he reſolves now to abide by it. Nevertheleſſe, wee cannot tell, but he may have here ſome *Jeſuiticall Equivocation:* As it was a common practice among young Students in the time of the *Dunces*, that in diſputation, when they were brought to an inconveni-

[m] A man that hath experience'd a thing and found it right, will make uſe of it againe upon the like occaſion. By *Impertinences and by-talke*, he eſcaped the time before, and therefore would take the ſame way againe.

[n] The *Moabites* called their God *Baal-rognez*, *the God of Thunder.* But the Lord in ſcorn call'd him *Baal-peor*, the *god of opening, or of a crack.* Unleſſe it be ſuch as do adore him: For other men, they value his words but as cracks and winde.

venience, were it never so absurd, they would have a distinction, though without braine or sense: So possible he will [o] have a distinction between *a lawfull Parliament*, and *making an Act of Parliament*: that is, it may be virtually and formally a *Parl.* and yet want power, or not be in a capacity to make *an Act of Parliament*: And we are the more perswaded to think that he will make some such *Dunce-like* distinction, because he knows; *Whosoever shall say, that the last Parliament Assembled was unlawfull, or not the Supream Authority of this Nation, shall be taken, deemed, and judged to be high Treason.* But we shall leave this to himself, and proceed.

3. He said, [p] *By the same Law they voted him to death, they might vote his* [q] *honest twelve Jurie men.* Was not this a very winning Argument? and enough to work effectually and feelingly upon the affection of the Jury? It being for all the world, as if some Arch Thiefe or Murderer should say; *Yee Gentlemen of the Jurie, take heed what you doe in my Case: For if you hereafter shall be found* [r] *guilty of such Robberies and Murders as I have committed, there will be as much reason and Law that ye suffer as my selfe.*

Cleonides being askt, why he spared the *Argives*, who had sought to destroy their Countrey, answered, lest (saith he) *we might want such men to exercise our youth.* If we consider the weaknesse and vanity of *Lilburns* words, and how corrupt and unjust his 12 *men* were, in their verdict. In stead of that answer (or rather no Answer) which they gave at the time of their Examination before the Councell of State; they might well and truly have said, We

[o] So the like concerning the protestation which he made, that he was not the *John Lilb.* intended in the Act of his banishment; here no doubt he hath a distinction: now tell what it is, *& eris mihi magnus Apollo.*

[p] If a Child might have its choise, whether to burn the rod, or spare it: we know in this case what hee would do: The Jury being Judges of the Act, and law, that is either to repeal it, or let it stand, had reason to make it null for their owne safety. *A dead Lion cannot bite.*

[q] They must needs be so; for they are of his owne choosing, and wish as much good to the State as he doth.

[r] As who knows but what your heart thinks may come out at your mouth one time or other.

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have ſpared him, [r] *leſt we ſhould want ſuch a man as he* to oppoſe the preſent Gouernment, and to carry on the Cavalliers Deſign and Intereſt for us.

4. He ſaid, *The Parliament before the Kings head was cut off, and the Members taken out, were in their purity, a gallant Parliament, who were tender of the liberties, and of the welfare of the Nation: And walked in the ſteps of their Anceſtors, and Fore-fathers; Then were the dayes of their virginity, they made good and righteous Laws, and then they had no force upon them: But ſince* 1640. *and* 1641. *there have been no good Laws made.*

All this (as the reſt) is only a flaſh and winde; nothing at all to the purpoſe or thing in hand. Two things nevertheleſſe are worth the obſerving.

1. His notable diſſimnlation, as being like the *Crocadile* (of whom it is ſaid) when he hath kill'd a man, afterward weepes over him, as if he were ſorry, and did repent for what he had done. It is well known, what an Enemie he was to the [u] Parliament before the Kings death: his own Libels and Pamphlets are yet extant, wherein hee doth as much ſcandalize and reproach the Parliament then, as ſince. But ſee here his *Crocadile teares*, as weeping over their dead bodies by a feyned and baſe flatterie, ſeemingly to repent for the murder of his tongue.

[r] In the days of *Hadrian* the Emperour, there was one *Bencosby*, gathering a multitude of Jews together, called himſelfe *Ben-Cocuba*, the *ſon of a ſtar*, applying that propheſie to himſelf, *Num.* 23 17. but he prov'd *Barchoſaba*, the *ſon of a lye* No otherwiſe may they expect in following this man, whom they did chooſe as the ſtar of the Law to be led by in their proceedings, but an ill buſineſſe in the later end.

[t] This is the firſt time (to our remembrance) that ever in publick hee ſpake well of any Government; who knows, in regard of the great familiarity between him and the Cavalliers, but he might learn ſome ſuch thing of them.

[u] We are here in the dark, as to find out the bottome of the man, why the Parliament before the Kings death was ſo *gallant*? Hee brings this in by head and eares, as having no occaſion to ſpeak of ſuch a thing. But if we may give our gueſſe, he ſpeaks this to juſtifie the laſt King, and to condemn the Warr which was made againſt him: For being a *Virgin Parliament, and making good and righteous Lawes*, what could they have more of the King? So that the King was in no fault of the blood and treaſure of the Nation which was waſted.

2 Note his grosse absurdities and contradiction: *The Parliament before the Kings death* (which was not till about the yeare 1649.) *was a gallant Parliament, &c.* and yet *since the yeare* 1640. *or* 41. *there hath been no good Lawes made.* We shall not presse him here, but spare him, and endeavour to help him out. Thus therefore we understand him: In the yeare 1640. or 41. the Parliament [x] bestowed somthing upon him, he being formerly very poore: since which time they have not done the like, and so consequently *made no good Lawes.* And thus stands the case: for otherwise (putting aside his owne Intereſt) we all know, that more usefull and wholesome Laws have been made since *Anno* 1640. or 41. then before.

5. He affirmes, *that it was no lawfull Parliament, that made that Act.* Againe, *The Parliament that made this Act of Banishment was no Parliament I will prove it: And the Parliament were rather Transgressours then I.* Againe, *Admit the Parliament legall, They had* NO POWER TO SEND FOR MEE. *If there were* [y] *any Judicatory in Parliament, it was the Lords House, not the Commons.*

It is well, we have it at last, and in plain English without any Equivocation. *He will prove it* (he saith) *that it was no lawfull Parliament:* The which saying is proofe enough (by *Cokes Institutes*) to prove him a Traytor. The Wolfe, though he often dissemble, and closely hides his nature, yet he cannot doe so still, but will shew himselfe what he is, one time or other. So it is with *devouring spirits*, they may sometimes walk in the dark, and use such artificiall sleights, as their designes are not discerned: yet this they cannot alwayes do; but now and then (casting off

[x] It might have been said of that time, *hodie venenum Reipub: est immissum.* For ever since that time hath hee been restlesse, and continually quarrelling with one or other.

[y] In the great contest which was between the house of Lords & him, he then denied their power, and cryed up *the house of Commons*, as to have more power: But now they being remov'd, and so not likely any more to send for him. Hee seems to be of opinion that some such power was with them, yet this he speaks somewhat darkly and closely, lest too much of his hypocrisie should appeare at once.

off the sheeps-skins) will appeare (what they are) even Wolves indeed.

But doth he not in the mean time, very much satisfie the consciences of the *Jurie*? as to move them not to find him guilty? considering (being arraigned for Treason) he should thus openly before them, declare himselfe to be guilty? Who can but thinke, [a] knowing what the men were, but by this speech of his, they were much induced the sooner to acquit him.

6. As for all Parliaments in generall, he said *Parliaments were a deligated power, and* [b] *ought to give a reason of all they doe, and that it was not in their power, as he had proved in his Plea at large before the Lord chief Justice* Rolls, *and Mr. Justice* Bacon, *May* 18. 1647.) *nor had they the least Jurisdiction to sentence him, or any of the least Free born English men: unlesse it be their own Members. That* [c] *all Crimes whatsoever, were to be heard, determined, and judged at the Common Law, and no where else. Acts of Attainder were not Lawfull.*

There is an Oyntment, which if the heads of men be anoynted therewith, they will seem to be most dreadfull and terrible: Surely this man made account to fright them all away. What hath *a Parliament no power to send for him?* Really then, either their power is very little, or his power is above a Parliament. What, *no Jurisdiction*? no *not the least?* Alas what a poore and low thing is this Parliament? No marvaile he hath taken the boldnesse to abuse it, and call'd it a *Junctо*, a *Tyranny*, a *Foolery*. Note

[a] *Querie*, whether it did not argue (if not impudēce yet) great indiscretion *in the* 12 *men*, being known to be disaffected to the present Governmēt, that such as they should dust give check to Authority.

[b] And because it is so, *Nodell* told his friēds that *Lilburn*, when he came up to *London*, *would call the Parliament to account*.

[c] We see children will look in a mans face when he is speaking, but not minde, or remember any thing that he saith. The like *Simplitians were these twelve Jurie men*; for had they observed the ignorance and folly of his words, they would have better considered what they had to do in the businesse before them, as knowing what he said was false: And all Parliaments before had constantly practised the contrary.

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he hath stript it stark naked, not left so much as a reed or rush in their hands whereby to defend themselves. Souldiers when they have unarm'd the Enemy, forbear afterwards to abuse and beat the naked Prisoners: But he will not shew a Parliament so much civility, for he is not contented to take away their weapons, whereby to keep off the strokes of his Treason: but when he hath not left with them *any power* or *the* [d] *least Jurisdiction*, he most inhumanely scourgeth them with his railing tongue. *Domitian* is condemned for killing of Flies: not but they might be killed, but it was no fit work for an *Emperour*. For some men to have heard him deliver such absurdities and non-sense, it might have been tolerable; but for *a Jury*, who are to maintaine the power and priviledges of Parliaments, to hearken to such roving and wild discourse, was no way justifiable.

If a Parliament be *the Supream Authority of the Nation*, then there is no Judicatory *power* or *jurisdiction* in any Court, but what primarily and originally (as to order and Government) is in the Parliament, and whatsoever may be done any where, as to *Government and Jurisdiction*, the same may be done by a Parliament, *viz.* to send for Delinquents, to Imprison, Banish, *&c.* And this stands with pure reason, if the man had [e] sense to understand

[d] We read of *Julius Cæsar*, when he had overcõe *Pompeys* Army, he spared the Citizens: And those whom he had vanquished by Arms he prefer'd, & gave much wealth to. But he hath no such *Romane spirit*; for though he hath laid the Parliament at his feet, yet he cannot forbear to trample upon it.

[e] The reason wherefore this man shews so much follie, is his ignorance, as not capable to understand what *power, jurisdiction, government, order,* & such things are. If a people be free, Power essentially is in them; yet so, as to action there must be first order, which is to establish a Government. Now it hath been the antient practice of this Nation to have a Parliament, which is the *alone Nationall Government*: Neither is there any Judiciary or Government in the Nation, as properly arising and derived from the people, but what is in a Parliament, because other Courts and Jurisdictions may be said to have their rise rather from the Parl. then the people.

it: for to grant a Parliament, and to deny Government and Juriſdiction which he ſpeakes of, is ſuch non-ſenſe, as none but an *Ignoramus* in pure reaſon, would ſpeak it. It is one thing, what is not convenient or fit for Parliaments ordinarily to doe, and another thing what lawfully they may doe, as in point of Power and Juriſdiction.

Neither thought he it enough to ſpeak thus reproachfully of Parliaments, but at the ſame time moſt unworthily abuſed the Court: As for inſtance.

1 Speaking to the Lord Maior: *This is the ſtrangeſt thing* (ſaith he) *that ever I ſaw, that a man muſt be cheated of his life: Good my Lord Maior you have made your ſelfe a party in my caſe, and taken a wrong* John Lilburn, *and if you doe not make me hang, you are afraid your ſelfe: You make the Land groan under your burthens and oppreſſions. I deſire you will not deny me my right, that I may not looſe my life in the reſolve of a Queſtion: That* John Lilburn *ſhall be hanged, which in time may come to murder your poſterity, and the poſterity of thoſe that hear me this day.*

To ſpeak nothing how he [f] lyes againſt knowledge and conſcience, in ſaying *they had taken the wrong John Lilburn:* nor how groſly he contradicts himſelf; for being the [g] *wrong John Lilburn*, how could the *Maior make himſelfe a party in his caſe?* There is ſomething of note, where he ſaith, [h] if he dye not, others may fear to ſuffer. There was much truth and reaſon in this: For as the Plague not removed, kills the body: ſo *Incendiaries* (who are no other then Peſts in the Common-wealth) muſt either be ſuppreſt, or ruine will follow.

For

[f] A man tells a lye ſo often as he thinks it, at leaſt to be a truth, & who knows how far he was gone in a lye this way.

[g] Note how the honeſt honourable *Jury men*, as they made no conſcience of lying in their *Examination*: ſo by *Lilburns* lying, their Conſciences were ſatisfied, that he was the *wrong John Lilburn*. But herein neither of the follow that ſaying, *magna eſt præſentia veri.*

[h] He had before given out, that one land was too little to hold the Generall and himſelfe, *aut Cæſar aut nullus.*

For the reſt, it is nothing elſe but as before, *impertinencies*, and baſe talke: Though poſſibly he work up himſelfe hereby, more and more into the affection of the Jury: For they hearing him to ſpeak ſo high againſt the *Lord Maior*, and telling him of *making the Land to groan with burthens and oppreſſions*, they muſt needs think (he ſpeaking thus as a Priſoner) had he liberty what a ſtout Champion would he be for them in the [i] *Great Buſineſſe*, whatſoever opportunity ſhould ſerve.

3. He told the *Lord Keeble*, that *he had nothing to doe to judge him, being a party, and had a Sallary of a thouſand pound* per annum *from the State.*

Here he ſpeaks home for Liberty: *Malefactors* are not onely to chooſe their *Jury*, but their *Judges* too: So that *Magna Charta* is to be underſtood of liberty granted unto Murtherers, Theeves, Traytors: But for true men, honeſt and faithfull to the State, there is no help for them there, as to their *liberty and ſecurity:* So that we may apply to our ſelves, what is applied to *Rome.*

In Roma vale piu la putana,
Chela moglie Romana.

In Rome *the Harlot hath a better life,*
Then ſhe that is a Romanes honeſt Wife.

For the 1000. *l. Sallary*, we know no reaſon [k] why he may not better (or at leaſt as well) deſerve to have ſo much of the State for ſuppreſſing (as occaſion is) ſuch Riots and Inſurrections as are made in the Nation: as Mr *Lilburn* to have 1000 Acres not *per annum*, but *ad ſeculum ſeculorum*, for undertaking to

[i] *Rich: Tomlins*, one of the *Jurie*, ſaith in his Examinatiō, *What he can tell is one thing, but to accuſe himſelfe is another thing.* Now who can tell? if hee would have declared the truth; but ſeeing *Lilburn* at this time ſo bold, he thought it was fit to ſave his life, in hope he would bee a notable Inſtrument for them hereafter. This is *that honeſt man*, who boaſted before-hand, *right or wrong, they would ſave him.*

[k] Wee would gladly have an Anſwer to this Queſtion, following that rule, *Non multis verbis pauca comprehendit, ſed paucis multa.*

to defend men in making Ryots and Insurrections against the peace & safety of the Common-wealth, both past and to come.

3. To Mr. *Prideaux* Attorney-Generall he said, *You are a blood-thirsty man, and you come here to justifie your unrighteous Act: And I hope* [l] *the Jury will take notice of all your violence. It is the admiration of my soule, that he should be a Judge in* [m] *his own case, to have a man sit as my Judge, that thirsteth after my blood.*

The Beast *Duron*, being pursued, and seeing no way to escape: by a naturall Craft, casteth forth her dung against the Hunters following her, whereby to stop them from coming near, by reason of the corrupt smell and stink thereof. Whereunto tended all his railing and vile reproaches, but as a suttle devise to keep his pursuers off, as well knowing the stink was so intolerable, as they could not possibly endure it: Howsoever sweet and pleasent to *his* 12 *men*: For who knowes not, but Swine delight in mire and dirt: so that by such slanders he hath a double advantage: The one to hinder those who prosecuted the cause of the Common-wealth against him: The other to win still a better opinion and liking with the *Jury-men*.

4. He said, *that the Army (many of them) have been very good instruments, for the good of the Nation, to deliver us from Tyranny. I wish there is not a greater then they delivered us from.*

And why [n] so modest now? Indeed insinuations sometimes are more effectuall and taking then plain affirmations, especially when the Speaker is known (as here it was) not to doubt or question the thing, but doth it (by a figure) for aggravation sake.

But

[l] Was there not reason they should? Besides, seeing they will not give any Reason wherefore they did acquit him; why may not this be one, *viz.* his railing at the *Attorney General*, and hoping his *Jury would take notice of him*. How could men, seeking to satisfie their conscience, but be satisfied to the purpose to hear all this?

[m] This is his common practice, whosoever prosecuteth anything against him in behalfe of the Common-wealth, he rayls at them as if it were only their Cause that they manage against him.

[n] *Temporis observatio in cunctis negotiis plurimum prodest.*

But here the man is very ° *mysterious*, we know not what *Tyranny* he means; besides, if we have had no good Lawes since 1640. and 41. and before the Kings head was taken off, *the Parliament was tender of the Liberties and welfare of the Nation, &c.* Wherein then *hath the Army been such good instruments*, &c? *As the way of a Serpent upon a rock, such is the way of an adulterous woman.* Neither is it possible but that this man should be thus crossing and contradicting himselfe, seeing (to serve his own turn) he carries P on severall interests.

° It was said of som books which *Aristotle* made, *They were set out, & not set out.* So we may say of a great deale of his speech, *It was talke, & it was not talk.* Many words were spoken; but let them be duely weighed, either non-sence, impertinences, or contradictions.

5. For the Jury, he called them, *his honourable Jury*, and said, *they were the Keepers of the Liberties of* England: *And will make it appear that the Jury* q *are Judges of the Law, as well as of the Fact.*

P It is observed how *Julian* the Apostate, against the Christians sought to keep up a double Interest, one of the *Jewes*, the other of the *Gentiles*; But the Lord destroyed both. And so wee trust he will frustrate whatsoever, either this man, or any other designe against us.

Here we have the man in another temper; and we see, he can as well flatter men as reproach them. *Altera manu fert lapidem, panem ostendit altera.* This *honourable Jury* he handles like Brass-pots, which be they never so huge yet a man may carry them by the eares where he will. It is by the *eares* that he takes them, and here he holds them off by base flattery: as attributing unto them more then was ever given to any Jury before, and what belonged not unto them neither by Law nor Reason. Nevertheless having them (like *Pots* by the *eares*) away he carries them, from the rules of Justice, and from what was their work, (as proper to them) to doe that whereunto they were not called, nor in the least therein concerned.

q when *Philip* came to the Oracle of *Apollo*, the Priest cansed the Oracle to answer to his humour, and therefore it was said [illegible]: Hee knew well enough for what the Jurie came, and how to send them away with satisfaction: To tell them they were above Law, and Acts, and Parliaments. What Asse being thus tickled under the belly, would not stand still, and suffer him to get up and ride him. More-

Moreover, *he charged them to conſider* [r] *whether if I dye on the* Munday, *the Parliament on* Tueſday *may not paſſe ſuch a ſentence againſt every one of you twelve? and upon your Wives and Children, and all your relations; and then upon the reſt of this City, and then upon the whole County of* Middleſex, *and then upon* Hartfordſhire, *and ſo by degrees there be* [t] *no people to inhabit* England, *but themſelves.*

Had he not underſtood the condition of the men, he would not durſt have uttered words, ſo much tending to the diſgrace of Authority, and indeed to the diſhonour and infamie of the whole Nation: For had they been perſons (we ſay) really affected to the preſent Government, they would by this very ſpeech, have judged him a perſon moſt unworthy to live under that State, [t] againſt which ſuch falſe, malicious, and ſcandalous words ſhould be ſpoken.

Yet are not theſe words without weight, in reference to the *Jury*, for if the State, *like Demoſthenes innocent foole*, would ſtand ſtill and leave all things to *twelve men, as to be Keepers of the Liberty of* England, *Judges of the Law as well of the Fact:* that is, make void what Lawes of Parliament they pleaſe, and leave *Lilburns* Caſe to ſtand for a Preſident: We ſhould ſee in a little time, ſuch Conſpiracies and Treaſons committed in the Nation, and no redres, thereof: as not onely all honeſt men, their Wives, Children, and relations, in *Middleſex*, *Hertfordſhire*, but the whole Land over, would utterly be deſtroyed, and no people left to inhabit *England*, but he and his Faction.

[r] Judg Reader, whether this was not a rational queſtion, and to be by the Jury ſeriouſly conſidered of. For ſeeing the ſafety of all the Cavaliers depended on his life, had they not reaſon to quit him?

[t] It hath bin the ſaying, *dulce & decorum eſt pro patria mori*: But he is now on the other hand, and would gaine reputation & honour to himſelf, not by dying for his Countrey (for that he hath no mind to) but to have his life ſpar'd. *Pro patria vivere pulchrum.*

[t] Some write of a certaine Devill, whom they cal *Hudgin*, who they ſay will not hurt any body, except he be wrong'd. This Parliament whom he ſpeaks thus reproachfully of, was not concern'd in his Caſe, but as in point of Juſtice: the application we leave.

Being

Being to close the first particular as to the Speeches which he used at his Triall, we shall onely add this. *I call Jehovah to witnesse* (saith he) *and doe here protest before God, Angels and men, I am* u *not the person intended to be banished by that Act:* speakiug of the Act whereupon he was Indicted.

Such Asseverations and Oaths, we find frequently in his writings: A common practice of prophane and corrupt men, whereby to beguile ignorant and simple people. It is said of *Dionysius* the Tyrant, though he loved not the Philosophers, yet would he wrap himself in their Cloaks, as thinking thereby men would have the better opinion of him. It is possible this swearing and for swearing of himself, is not a thing he cares for, onely as occasion is, useth it, for advantage sake, to get credit and belief with the people, specially now to satisfie the *conscience of the Jury:* And who knowes, seeing they would not give any other answer when they were x examined by the Councel of State, *but that they did satisfie their conscience in what they did*; but it was this that did satisfie them, namely his *protesting before God, Angels and men, that he was not the person intended to be banished.*

It is true, in this thing he did no more then what he was taught; for it's one of y *Machiavels* Grand Maximes, *Those that mean to effect great matters must not make reckoning what they say or sweare, and know by their craft how to turn and wind about at all times.* And

u This is worse and wickeder then what the Heathens allow; for thus they say, *Haud equidem honestum est, proloqui mendacium, sed cui tamen damnum magnum affert veritas, par est dari huic loquenti incongrua.* Stob. But this man takes leave & liberty to speak a lye, yea to sweare it out right.

x There is some great mysterie here between the Jurie & him, as none know or may know, but themselves. For *Griff. Owen* of Bishops gate

ward (pray take notice of him) he is a *Brewer* by Trade, being one of *Lilburns* Jurie, told the Councell of State, *That they found not L. Coll.* John Lilburn *guilty, because he was not satisfied, that the Prisoner was the* John Lilburn *mentioned in the Act.* y *Machiavel* discourses, *l.* 3. *c.* 9.

the Jeſuites doe hold equivocation, lying, and perjury, *if it be* (as it was this mans caſe) *for ſafety, profit, and advantage.* They doe ſet open [a] a School, for deceit, in which they teach an Art of lying, [b] *by the helpe whereof he that can lye and forſweare by the rule* (obſerve that) *ſhall be free from lying or perjury.* And thus much of his ſayings: now for his doings.

Here we find him at his [c] *old Trade*, publiſhing & diſperſing falſe and ſcandalous printed papers, and Libels, to occaſion new troubles by ſlandering the Government of the Nation: delivering them *nudo capite* bare-fac'd, and boldly with his own hands, to ſeverall perſons, both Citizens and Countrey men. Now becauſe we have already ſhewed largely his practice in this particular, and ſeeing what he hath done here again, is the ſame which he did before, we ſhall therefore (forbearing repition) ſpeake the leſſe of it.

Not to mention how he diſperſed the *Petition delivered to the Parliament by ſix perſons*, who called themſelves *Apprentices*. He delivered another printed paper, entituled, *More light to Mr.* John Lilburn's *Jury*, wherein is aſſerted, *That a Parliament* (*having its foundation only in the Common Lawes*) *is but one of them; and neither hath, nor have* [d] *power over the right of its fellow-ſtanding Lawes, to contradict, alter, or repeal any of them, more then it hath power to deſtroy its own being. That is, the Parliament have not power over this pretious way of Tryall by Juries; no more have they power*

[a] *Querie*, whether Mr. *Lilb.* when he was in the Papiſts Countrey, was never at *ſuch a ſchoole.*

[b] *Cujus beneficio qui ad Normam mentiatur aut perjeret: haud ille perjurij aut mendacij reus conſendus ſit.* Abbot Antilog: Apol: Eudæm: Joan: c. 2. in prin. fol. 11. fac. 1.

[c] And no marvaile he hath kept on the trade ſo long, conſidering how hee hath been left alone, to write and ſay what he would, without any contradiction or anſwer to it Whereas, had his books been layd open, and the vanity of the diſcovered, he would have beene broken in his trade before now.

[d] Wee may here ſpeak to this man in the words of the meſſage which was ſent to the Rebels of *Cornwall* and *Devonſhire*; *We let you wit the ſame hath been as nulled by the Parliament, and not now to be cal'd in queſtion; & dareth any of you with the name of a Subject, ſtand againſt an Act of Parliament?* Holling. Edw. 6. p. 1005.

to

to make that Fellony, which by the Common Law of England *is but matter of Treſpaſſe.*

As *Solomon* anſwered his Mother when ſhe deſired that *Abiſhag* might be given to *Adonijah* to wife: *Aske for him the Kingdome alſo.* The like may we ſay to ſuch men as deſire Mr. *Lilburns* liberty amongſt us[e]; why doe they not ask, our reaſon, freedome, priviledges, ſafety, *&c.* ſeeing the caſe is one? Never was there a thing tending more to perfect ſlavery: what *a Parliament no power*[f] *to contradict, alter, or repeale any former ſtanding Law?* Muſt thoſe Lawes made by Popiſh Parliaments, in the mid-night of blindneſſe, proper to Monarchy and Tyrannie, and no way ſutable or neceſſary to our preſent condition, be continued?

But marvaile not Reader at the impudence and boldneſſe of theſe men. *Aliquid latet quod non patet.* This is no new thing, but what formerly Incendiaries have conſtantly practiſed: namely, [g] when a State hath been about to reforme abuſes, by removing what is inconſiſtent to the preſent time, and to eſtabliſh better things in the place thereof, here to take an advantage for the proſecuting of their Treaſon: as to diſquiet the minds of the people by falſe ſuggeſtions, and by cauſing publick Tumults, to hinder the going forth of the work of Reformation, if they can. So that we have here in ſtead of crying up *Liberty and freedome*, the Trap formerly laid. *Londage* and *Slavery* ſtood for, and this as a ſnare like-

[e] As *Nahaſh* the *Ammonite* would not make any agreemẽt with the inhabitaurs of *Jabeſh Gilead*, unleſſe hee might thruſt out all their right eyes: ſo nothing will content this man, but wee muſt give up to him our underſtanding, light, reaſon. The ſaying is, *a man may buy gold too deare.*

[f] *Querie*, whether Monarchy was not eſtabliſhed by Law, and whether it were a ſtanding and fundamentall Law of the Land, by which Kingly Government was eſtabliſhed here.

[g] Our Iriſh hiſtories give us many examples in this particular. As often as the State of *England* went about to civilize the Iriſh, and to take them off from their former barbarous and uncivill cuſtomes, the Popiſh Prieſts and other Incendiaries, would be diſquieting the minds of the people, and to inſtigate them, rather to rebell, then not to do as their fore-fathers did.

wiſe. Such a *maſter-workman is he in the Black Art of Treaſon.*

Such Birds as follow the *Eagle* in expectation to have a ſhare with him in the prey, are ſure to periſh if nothing be taken. Our confidence is, that *Lilburn* ſhall win nothing, by ſeeking to deſtroy the power and priviledges of Parliament: And therefore for his *Juries* and others who have accompanied him in his ſeditious deſigne, are likely to come ſhort of their [h] expectation; that is, inſtead of a Booty, to be looſers by it.

In the ſame Book it is further ſaid. *Such Lawes as theſe being voyd Lawes, who are to know them to be ſuch but Juries,* [i] *who are the onely legall tryers of all men in all Cauſes, and they are bound in conſcience to try all Lawes made by Parliament, by the fundamentall Lawes; and where they find them contrary, and that men ſtand before them to be Tryed as Fellons upon theſe lawes, they are bound in conſcience to prononnce them not guilty, that are no Fellons, nor in the leaſt deſerving death, as in* Mr. Lilburns *caſe, and not to expect* [k] *the direction of Judges and Recorders, in the caſe, who many of them lye under ſore temptations of looſing their honour and place of profit, in caſe they wreſt not judgment to the wills of thoſe that are in power.*

Have not we fought well all this while, and laid out the blood and treaſure of the Nation to a good end? that in concluſion we muſt have *twelve men,* (I ſuppoſe two knaves and ten fools, as often it is) and theſe muſt be the *Keepers of the Liberty of* Eng-

land

h *Quere*, whether it was not the *expectation* of the Jurie, that their quitting of him (being at liberty) he ſhould immediately have taken the great deſigne in hand, for wch he came over: *hic labor hoc opus.*

i Who knows but the man had read the ſtory, how the Aſſe took upon him to judg betweee the Cuckooe & the Nightingale: Now of all other the Aſſe might worſe do it, having no skill in ſinging. The Iury men eſpeſſe they took upon them to judg betweene the Parl. & *Lilb.* And who might worſe do it?

k Of his writings it may be truly ſayd, *Virus peſtis & venenum Reip:* [1] Whether any of theſe 12. were fools, we ſhall not ſay: But whoſoever ſhall read their Examination, will conclude they were not honeſt men.

land, be above *Judges*, *Recorders*, yea the *Parliament* it ſelf, to determine what is Law: and as they tell us, ſo we muſt acquieſce, right or wrong: There being no power or Authority above them, to [m] appeal unto, be their Verdicts and ſentence never ſo illegall, and unjuſt. The matter here is ſo irrationall and abſurd, as no anſwer is fit to be given to it, then to wiſh thoſe who are in Authority to take ſpeedy care and courſe to ſuppreſſe ſuch inſolent and baſe aſſertions, given out for no other end, but to keep up diſtempers among the people.

Some doe well [n] obſerve, that a more greevous puniſhment is reſerved for them which cauſe others to offend, then for them which ſin by their occaſion. Thus the Serpent was puniſhed more then *Eve*, ſhe more then *Adam*: So *Izabel* felt a greater and ſorer judgment then *Ahab*. *to ſin* (ſaith one) [o] *hath not ſo much perdition in it, as to make others to ſin.* We find no man [p] before this man, that hath been ſo unreaſonable as to affirm ſuch a thing. And therefore if we will be followers of God: inventers of evill things, and inducers to ſin, muſt principally be puniſhed by us.

Another printed paper which he diſperſed in the manner aforeſaid, was called, *A Word to the Army*, wherein he [q] appealed to the Army in his Tryall upon the *Act of Parliament*: Here we might mention ſeveral ſeditious expreſſions which he uſeth, but ſo much already being ſpoken, we ſhall not trouble the Reader with it; onely the mans diſcretion at

[m] Pray note, how *Richard Tomlins*, one of the Iury, in his anſwer to the *Councell of State*, told them, *that he was not bound to give any account in that buſineſſe to any but God himſelf*, which is as much as ever any Tyrant did challenge.

[n] *Pareus in Rom. 14. ver. 13. p. 469.*

[o] *Peccare non tantum in ſe perditionis habet, quantum quod reliqui ad peccandum inducuntur.* *Chryſoſt hom. 25. in Epiſt. ad Rom. in Mat. ad Locum.*

[p] *Ex peſſimo genere ne cautulum quidem relinquendus.*

[q] If the Iurie be the only Iudges of a Law, and to tell us what Acts are good & what not, what reaſon hath he to appeal to the Army; for by his own confeſſion it did not belong to them. It ſeemes hee can diſpenſe with *legality*.

this

this time, is obſervable, how he ſpeaks not a word of the falſe and ſcandalous reports which he had formerly publiſhed to the world againſt them. Nor of the diviſions which he had often made in the Army, and ſeverall conſpiracies, whereby to have deſtroyed the ſame.

There was alſo a printed paper given forth by him, Entituled, *Fundamentall Lawes and Liberties of ENGLAND*, wherein is reckoned up [r] *twenty eight* in number. The ſecond of them is, *That the Supream Authority cannot be devolved upon any perſon, or perſons, but by Election of the free people.* The third, *That yearly Parliaments (to be choſen of courſe by the people) is the onely Supream, lawfull Government in* England. The fourth, *That all Officers and Magiſtrates of the Common wealth, are to be Ordained and Commiſſioned by the Election of the people.* The ſixth, *That the Parliament hath not* [s] *power to continue their ſitting above a yeare.*

We cannot but admire, that Mr. *Lilburn* ſhould thus trouble himſelf and others, about *the Election of Parliaments*, and *how long they ſhould ſit:* ſeeing as he ſtates the caſe, Parliaments ſignifie [t] little. One would think he ſhould have ſpoken more concerning the *Supream Authority of his pretious Jury*, and have proved by *Magna Charta*, or ſome other *fundamentall Lawes*, that their power is arbitrary, abſolute, unlimited.

[r] But why is not Monarchy in the number of one of theſe 28? here is a foule overſight; for leave this out, the reſt are Adjectives, not one of the 28 can ſtand of himſelf.

[s] How much men are pleas'd and delighted with their fancies and dreams in their ſleep. This dreamer no doubt took a kind of delight in his fancies, & thinks he talks ſence, whereas were he not aſleep he would not ſpeak ſo irrationally.

[t] Is not a Parliament a very *little thing?* having not power to ſend for any one man in the Nation (though an open Traytor or Rebell) except one of their Members. Beſides, is not their *Power little*, ſeeing what Statutes and Laws they make, may by a Iury of 12 men be contradicted and repealed.

But

But the truth is, malice and pride hath ſo blinded the light of his reaſon, as he knowes not what *fundamentall and ſtanding Lawes* are, being like *Accius* the Poet, who though he were a *Dwarfe*, yet would be pictured *tall of ſtature*: ſo this ignorant man would willingly be reputed to have skill and knowledge in Lawes, as to a diſtinction, what is ſtanding, what changable: notwithſtanding in this very thing he is [u] blind, as knowes nothing.

All Lawes which may be ſaid to be *ſtanding* and *fundamentall*, are grounded upon pure reaſon, not upon *Magna Charta*, or any former Parliament whatſoever. For in reference to the Lawes which men have formerly made (whether theſe *twenty eight* which he reckons up, or any other) they are not unto us ſtanding or fundamentall, otherwiſe then we ſee they are rationall, proper and neceſſary to us, and for us. This is *a ſtanding and fundamentall Law*, *Nihil quod eſt contra rationem eſt licitum. Nothing which is againſt reaſon is lawfull.* Againe, [x] *Nulla tam ſancta lex eſt, quam non oporteat, ſi ſilus populi poſtulet urgeatq; neceſſitas mutare. There is no law ſo firmly made, but when the peoples ſafety and neceſſity require, may be changed.* So againe, *Quod non eſt licitum in lege, neceſſitas facit licitum:* And [y] that rationall Maxim in reaſon, *Salus populi ſuprema lex eſt.*

But now for Parliaments, *viz.* by whom they ſhall be choſen, and what time they ſhall ſit: For this we have no *fundamentall Law* (which he underſtands *Lawes that cannot be altered*) becauſe ſuch things are not

[u] Are not his Agents and others likely to be wel led, who follow ſuch a blind guide. It is true, he talks much of *Fundamental laws*, but knows not what a ſtanding law is according to the definition: we will not uſe his phraſes of pawning our lives, & venturing our necks; yet this we dare ſay, and will make it good, that he never was able to define a ſtanding fundamentall Law, nor knows nor what it is.

[x] Bod. in de Repub. *l.* 4.

[y] And that is a ſure ſtanding law, *Nihil quod eſt contra rationem eſt licitum. Nothing which is againſt Reaſon is lawfull.* So then when we come to ſee that ſome former Lawes are againſt reaſon: or it is againſt Reaſon that either the Election of Parliaments or their continuance, ſhould be as it formerly hath been: the ſame as unlawfull things muſt be removed.

not grounded upon reaſon: For here every Age and Generation of men are left free, and to themſelves, both for the manner of election, and the time, yea [a] and to lay aſide all Parliamentary wayes, and conſtitute ſome [b] other form of Government, if they ſee it more conducing to the ſafety and good of the Common-wealth.

But here (Reader) thou ſeeſt not yet, what lies at the bottom, as the Serpent under the buſh. In the Reign of *Edward* 6. the Popiſh Prieſts of this Nation, poſſeſſed the minds of the people, that the State was about to put down the *Maſſe*; and to ſtir them up the ſooner to Rebellion, perſwaded them that the ſame by their [d] Anceſtors was ſo eſtabliſhed, as no Parliament could contradict, alter, or repeale it; whereupon great Tumults and commotions were made in ſeverall places, and much treaſure and blood loſt thereby. As the *Prieſts* to have the *Maſſe* to ſtand, occaſioned the rude multitude then to revolt: ſo ſeeks Mr. *Lilburn* now by making a noyſe *of ſtanding and fundamentall Lawes*, to inſtigate the people to inſurrection. Whereas all rationall men well know, there is no Law or Statute formerly made, but the Supream Authority of the Nation may contradict, alter, and repeal it (we ſpeake here as to their power) as lawfully and grounudedly, as ever *Maſſe* and *Mattens* were ſuppreſt: As *fools therefore will be medling*, ſo he being [e] ignorant what true freedome is, and in what ſenſe Lawes may be ſaid to be

[a] It came to the Queſtion, when this Parl. began to ſit, whether it ſhould be cal'd a Parliament or no.

[b] Though men cannot dry up the River, but the waters muſt and will runn towards the Sea, yet wee often change their courſe, & turn them from one place to another. Thus it is in point of Government: There muſt be governmẽt running down among the people like water, but the courſ of it may be chang'd, yea and muſt bee when there is occaſion for it. As of late there was neceſſity for it.

[d] The Popiſh Prieſts, and ſo Mr. *Lilburn* deales with ignorant people, as the Spaniards did with the *Jucalion Iſlanders*, when pretending to carrie them to a rich Countrey, where their Anceſtors were in plenty, brought them to work like ſlaves in Mynes: So they ſeek to lead us to ſlavery by pretending to bring us to our Fore-fathers. [e] *Homine imperito nil quicquam eſt in juſtius, qui nil, niſi quod ipſe facit, rectium putat Comic.*

ſtanding

ſtanding and *fundamentall*, ſeekes to [f] diſquiet the minds of the people by publiſhing ſuch things as are moſt fooliſh and abſurd. Onely this we doe obſerve, that extracting ſomething (though but a little) from former Incendiaries of every ſort and ſize, he hopes at laſt (as he calls himſelf) to be a *Maſter-workman* in his Trade.

About the ſame time he diſperſed another printed Paper, called, *Lievt. Col.* John Lilburn's *Plea in Law*, wherein he undertakes to prove, *That the Parliament can alter none of the fundamentall Lawes:* And in *p.* 14. *I might urge* (ſaith he) *many Arguments lawfully to prove, That the Parliament was no Parliament when they paſt the ſaid Act of Baniſhment, but were long before diſſolved, and that by their own conſents, when the Parliament tooke upon them the exerciſe of Regality, and the diſſolution of Kingſhip and Houſe of Lords.*

Becauſe we would willingly ſatisfie all ſuch as may otherwiſe ſtumble at the ſeditious block which he layes in their way, we ſhall therefore ſhew what it is to be *a free people*. And here two things are to be conſidered.

1 *Power.*

2 *Government*, or the execution of that *Power*, which God, reaſon, and nature hath given them.

Power, we ſay is in the people, (yet ſo as not in all, but with them who by their delinquency have not forfeited the ſame) The Government or exerciſe of this power is in the perſons intruſted there-

[f] As the hand of a Clock or Watch will be turning about whether the finger ſtands right to its hour or no. So many people are carried too and fro, always tuning and in action, not conſidering the ground of their motion at all.

[g] He that ſhal read this mans Books, ſpecially the Titles of them, ſhall find him to be like *Pſaphon* a certain *Lybian*, he would bee a god: and having caught ſome birds, and taught them to ſpeak and prattle, *the great god Pſaphon*. Hence he fooliſhly thinks himſelfe a God, and ſo muſt have ſacrifice: So this man, ſetting out one Booke after another, and every one pratling, *Law, Law, Law*, he at length begins to ſwell in hea ing his birds to prattle ſo prettily of him, not conſidering how hee hath meerely cozened himſelfe.

with, whether in a Parliamentary way or otherwise, either formally or [h] implicitely; who may as their deligates or persons intrusted, lawfully act (as to power) whatsoever the people can doe, either about Lawes, or what else is of publick and generall concernment.

So that to suppose [i] *a free people*, and to say, that such a *people*, by a Parliament who have the power of this *free people* invested and put into their hands (as to the ex cution of it) *cannot alter none of the fundamentall Lawes*. It is as perfect non-sense and contradiction as ever was expressed: for how can they be *free*, and yet bound to the observation of former Lawes? We grant the *Supream Authority of the Nation*, may continue former Lawes, and let them stand in force, [k] but we deny that either *Magna Charta*, or any other Statutes or Lawes of the Land, left to us by our Ancestours, are to continue, or that we are bound to keep them, as in reference to their *Acts*; and because former Parliaments have made them: But here (if we are a free people) it is in our liberty to take or leave, that is, to contradict, alter, or repeal, whether some, or all, or none, as we see cause and reason for it.

Besides, to plead thus for *unalterable Lawes*, what is it else but to [l] enslave the Nation? For by such a

[h] Neither to say the truth, is there any other form or kind of civill Government in the world, but what is *implicite*, as to order. That is, if the Supreā Authority be executed, & the people submit to it; This makes it a lawfull Government; Though there may be something wanting as to formality.

[i] As the souldiers mock'd Christ, when they put a reed in his hand, and a Crown on his head: And what otherwise doth he, then besoole the people, as to put on their heads the Crown of Liberty, and into their hand all power: And afterward to tell them they cannot contradict or alter former lawes, but must continue slaves and vassals to their dying day. [k] Note well the distinction; It is one thing to continue some former Lawes, and another thing to be bound to continue the practice of them: This later we deny. [l] How hath this man published one Pamphlet after another, crying out against other men for taking away the freedom and liberty of the people: Whereas not any Tyrant ever broach'd a more wicked principle to support his Tyranny then he doth here, and hath not been asham'd to send it abroad into the Nation.

princi-

principle, people not onely loose their liberty, but are brought under such a kind of Tyranny, out of which (as being worse then the *Ægyptian Bondage*) there is no hope of deliverance.

We see sometimes that men will goe backward a while, that so coming foreward to jump, they may leap the further and better. Mr. *Lilburn* in going backward, that is, from talking of freedom and liberty, [m] to plead for bondage and slavery, doth it (as it seems) to fit himself for THE LEAPE, *viz.* that he may *out-jump his fellow Leapers*, in Treason against the State.

For his saying *the Parliament was no Parliament, &c.* we have heard him often to say it, and shall speak no more to it, then to tell him, that by such sayings he may hazard and hasten his own ruine: As the Poet saith of the foolish Fish, swimming tō the hidden hook.

Occultum visus decurrere piscis ad hamum.

There was yet another printed paper, Entituled, *A Word to the Jury in the behalfe of John Lilburn.* The scope whereof is, to stir up the people by force to [n] rescue the said *Lilburn*. It is said there, *John Lilburn hath not offended against any Laws, but against those* [o] *by-Lawes which are no Lawes: But such as Tyrants made,*

[m] When *Taxaris* saw his Country-man *Anacharsis* in *Athens*, he said unto him, I will at once shew thee all the wonders of *Greece*, *vise solone vidisti omnia*. Surely this man shall be the wonder of our age, seeing he can tell us how to be a *free people*, and yet remain all our days in slavery & bōdage.

[n] No doubt the Jurie would have been glad if such a thing had beene effected, and can you blame them? For had he been rescued, and so not come to his Tryall, their lying, hypocrisie and other grosse evills had not come to light, which now it doth to their shame whilst they live.

[o] The Fox in the fable being arraigned for killing the Poultry, pleaded not guilty, as not having broken any justifiable Law: And to prove this, denies the Act which they brought against him to be lawfull, because he, the Kite, and the Raven did not consent to it. Judge Reader, whether this be not his Case.

to ſuccour themſelves in their Tyranny, and were not a legall power to make Lawes.

Demetrius for the love which he bore to a certain Picture or Idol in *Protogenies* ſhop, willingly forbore to ſet the City of *Rhodes* on fire. That Mr. *Lilburn* by the *Jury* may be quitted, there muſt be no Act of Parliament againſt Treaſon, put in execution, but a door left open (for *this Idol ſake*) to all Incendiaries to eſcape without puniſhment. The Counſel which is [p] given unto the Jury, is to this effect. As if he ſhould ſay. *You are* [q] *above both Law and Parliament, as Iudges of the one, and other; ſo that it is wholly in your breaſts to determine what is Law, and when a Parliament may be ſaid to be lawfull.*

And according to *this word*, did the Jury proceed, moſt inſolently preſuming (by the Verdict which they gave) not onely to be Judges, but condemners both of Parliament and Lawes: A thing ſo unjuſt, as before was never heard of, and whereof they are ſince aſhamed or afraid to give any Reaſon for it.

Jupiter is brought in, as taking little notice of the evill ſpeeches which the *Giants* uſed againſt the Gods: But when he ſaw that they attempted (by raiſing Mountaines) to pluck them from their Throne: here now he ſtirs, and with thundering and lightning deſtroyes them, and breaks their deſigne. It is true, nothing better becomes men in Authority, then [r] meekneſſe, and to paſſe by a multitude of offences: but when they ſhall ſee men, *Giant-like*, to riſe againſt Authority it ſelf, and not only

[p] As *Homer* ſpeaks of *Vlyſſes*, *Conſilio bonus, & bonus Armis*; ſuch a Councellor was he to the Jury.

[q] So the 12 men underſtood themſelves, above Law, and accountable to none but God. *Lilburn* tells us that a Parliament are countable to the people for what they doe. Wee ſhould never have known how far beyond and above all Parliaments luries are, if it had not been for this Tryall; for how could we, ſeeing there is nothing extant that makes mention of any ſuch thing.

[r] *Sic pius eſto, nam cum vincamur in omni munere, ſola deos æquat clementia nobis.*

onely to trample their persons, but their Acts too, as mire under their feet; [r] in such a case whether they ought not to be active and severe, let wise men judge. A Heathen could say, [t] *It is sometimes the best kind of mercy, that offenders be punished, and to spare them, the greatest cruelty.*

Againe, speaking afterwards to the Army; *You were first raised to succour the people from being subject to the Tyrannicall will of* [u] *Tyrants. If those therefore that Command you, doe Command you to defend any member of this Common-wealth (whose Servants you are, of whom you receive pay) you are to obey them therein. But on the contrary, if they command you to kill or guard the illegall execution of any one Member of the Common-wealth, you are not to obey them therein: but in stead thereof, imploy your Armies against those that impose such* [x] *illegall, cruell, and bloody Commands upon you.*

What his former practises were, as to divide the Army, by causing divisions among the Souldiery, we have already shewed: the continuance of which most dangerous design, we see here, he hath brought over with him. *By guarding illegall executions*, we know what he means by his writings elsewhere: namely when any one is brought forth to be punished for his misdemeanours (specially if it be for making Insurrections in the Common-wealth) to countenance and encourage such a person in his evill and sin, and casting off all just Commands, to *imploy their Armes* (as y he saith here) against their Superiours.

[r] Here the proverb is true, *foolish pitie spoiles a Citie.*

[t] *Interdum optimum misericordiæ genus sit, nocentes occidere sæva crudelitas sit non &c.* Senec.

[u] Seeing his manner is, to speak always honourably of the last K. and condemned those that judged him to death: It is a question who he means by *Tyrants*: & when such *tyrannical wills of men were exercised.*

[x] But who must judge when it is illegall? not the Souldiers nor their Commāders, nor Parl. nor any else, but *Libr. cum sociis.*

y Here he tels us what it is to stand for *Liberty, viz.* to rise for Malefactors, and not to suffer the Law or Iustice to passe against them, be their crimes and offences never so many or great. If hee and his party say it is illegall, *ipse dixit*, that must stand.

When

When there was a debate between *Cæsar's* and *Pompey's* Souldiers, of some agreement: *Libienus* cries out, *Why talke yee* (saith he) *of such a thing? Nisi Cæsaris capite delato, Unlesse Cæsars head be off there will be no peace.* By this passage we may see, how improbable it is that the Army will be free from distempers, so long as this man can have any influence among them: It being his continuall endeavour, to leave no way untried, whereby to occasion some disturbance or other: As if he had vowed or taken an Oath (as [a] *Haniball* did when he was but twelve years old) not to be reconciled to the State, nor cease to seek the ruine of it, whilst he lives.

Besides the former, he hath also dispersed another printed Paper, called [q] *A Plea at large, for* John Lilburn, *Gent. now in* Newgate. In *p.* 16. it is asserted as followeth, *That by the Tax of* 120000 l. per *month, Arbitrarily laid by the Generall and Officers* (June 19. 1653.) *upon the free people of* England, *all their proprieties are confounded and destroyed: For by the same rule that he layes a hundred and twenty thousand pounds a Moneth, he may lay six Millions a Moneth, when he pleaseth, and so* ad infinitum.

Here we have him prosecuting the method which he propounded to the *Duke of Buckingham*, Sir *Ralph Hopton*, and others: as to [c] *destroy the Lord Generall* Cromwel, *the Parliament and Councell of State*, and *to make Charls Stuart King of England*, by working a mutiny in the Army, and raising up the people against the present Government, and so put the Nation

[a] His Father made him swear at 12 years old never to bee reconcil'd to *Rome*.

[b] A horse that is often spur'd in one place, is thereby made dull and lazy: his *Pleas* are still one and the same, *viz.* a kicking his Iurie in the side with their absolute power, as to be *Judges of the Fact, the Keepers of the Libertie*, that neither *Parliament nor Act are lawfull*: And thus spurring the still in one place, he knows how to make jades of them.

[c] That which he publisheth there, may serve as another Reason, to prove the former charge against him: Namely his Resolution *to kill the Generall, destroy the Parliament, set up* Charls Steward, *&c.* For had he not intended such a thing, such seditions words would not have been uttered, specially at this time, being a prisoner.

tion into blood and confusion. Now howsoever we shall not speak any thing as to his *method:* notwithstanding for the season, we conceive he was not right; for being lately come over, and known to be seditious: a man would have thought, that for a while he would not have been tampering with the publick affaires of the State, untill he had gotten his liberty, and so been in a better capacity to have followed the businesse he came about. But we see the *Gall* of sedition is so predominant and overflowing in him, as he cannot for his life forbear the acting of it, whensoever he [d] finds an occasion to goe to work, be it in season, or out of season.

The Controversie was soon decided, as to what Countrey those Islands did belong, when they brought *Snakes* and *Adders* thither. So we may know of what side and party this man is, by the venemous Vermins which naturally do live in him. The *Snakes* of Treason which he carried away with him, he kept in his bosom all the time of his abode beyond Sea, and we see here they are brought back again, so that dye they cannot, the soyl being so naturall to them

We shall goe no further with his Books, only besides those here mentioned, he hath dispersed with his own hands among severall persons many other [e] Printed Papers of the same nature and tendency, since his coming over.

Having made so large a discourse of his *Case and Craft*, we shall now in the winding up of all, take oc-

[d] Take a wolf and beat him blacke and blew, cut off his legs, and then pluck his skin off, yet unlesse you can change his nature, he will be a wolf still: so it is with men accustomed to sedition, it is not banishment, imprisonment, or any other punishment will reclaim them, unlesse God change their heart.

[e] Some of the Heathen Emperours ceased from persecuting the Christians, because they saw how unsuccessfull they were in their actions. One would thinke he should be quite wearie of publishing Bookes against the State, to observe how the hand of the Lord hath been still against him, as to blast and curse his doings.

caſion from the *premiſes*, to ſpeak a word in ſeaſon to the whole Nation. What courſe the Parliament ſhould take with him, [f] we ſhall not at all meddle with it: it being onely our purpoſe, to ſatisfie all people in all places, with this particular: namely, *That he is one whoſe liberty is not to be deſired, dangerous to the Common-wealth, and therefore to be wiſht rather further off, then to live amongſt us.* And that it may appear we ſpeak not here lightly, or unadviſedly, but what is rationall and well bottomed, we deſire that theſe following Conſiderations may be weighed.

[f] Only this, *Sed ſapiens in fronte oculos habet, omnia ſpectans, omnia prudenti cum ratione videns. And venienti occurite morbo.*

1. How he hath ſought by ſeverall ſeditious wayes, the overthrow of the Common-wealth, ever ſince it was eſtabliſhed: And nothing will ſatisfie him (by his own confeſſion) but [g] murder and blood, where he takes himſelf to be wrong'd: Be it true or falſe, for here none muſt be judge but himſelf. *Plynie* ſaith, that the Earth never receiveth within her entrailes, that Serpent which hath ſtung any man to death. We have ſhewed before, how his tongue ha's not ſpared any, but the poyſon thereof hath been poured out, upon Parliament, Army, Generals, Councel of State, *&c.* Inſomuch that, if after all his poyſoning and killing, there ſhould be an opening to him, as to receive him into our bowels, it might truly be ſaid (like that voyce which was heard from Heaven) *Hodie venenum Reipubl. eſt immiſſum, This day is poyſon poured in to the Common-wealth.*

[g] As if hee were another *Alecto*, whom *Juno* is ſaid to ſend forth to raiſe tumults and ſeditions in the world. *Cui triſtia Bella, Iræque inſidiæque, & crimina noxia cordi.*

[h] He that can murder with the leaſt ſcruple of conſcience, ſuch as are in Authority, in what ſafety are other people whom hee takes for his Enemies. Surely he will feare leſſe either by his Agents to deſtroy ſuch low and weak things.

2. In all the ſtirs that he makes, and the ſeverall Pamphlets which are forth under his name, we find nothing in them of Chriſt, nothing of his Kingdome,

dome, power, and glory, and of the great Work which the Lord is now carrying forth in the world. It is true we find him often ſcoffing and jeering at the things of God, but for the preſent [i] *Generation-worke*, he is altogether ignorant of it, it is fooliſhneſs to him.

When one aſked Duke *d'Alva* whether he had ſeen the blazing Star, or no: he anſwered, that his work was ſo much below, on earth, as he had neither leiſure nor time to look up, to ſee what was doing in the Heavens. The like may be ſaid of this (much to be pittied miſerable) man, who hath made it ſo his work to be contentious, and alwayes quarrelling with one or other, as he hath had no *ſpare houres* to look up, or to look on any thing ſaving *ſelf-revenge*; and therefore as he knowes nothing of *Generation-worke*, ſo he is better out then in; for ſhould he be taken in, he would but ſtand in the way [k] to hinder the proſecuting and furthering of it.

3. Take him without his Wiles, and at the beſt: what are the things which he talks ſo much of? But in reſpect of our condition, ſo unneceſſarily, as the removall of them generally by honeſt men is expected and deſired. For *Magna Charta* and other Statutes, we know them as well as he, and know they were made in favour [l] to *Monarchy*, and therefore as in the bulk, moſt improper and unſutable to a Common-wealth. When Children make a noyſe, and

[i] Here wee cannot ſay of this man, as it was ſaid of the Aſſe, *the maſter hath need of him.* For neither Chriſt nor his people have any need of him, as to the cauſe & work of God going on in the world.

[k] It is reported of a tree, that if the boughs thereof be thrown into a veſſell, it will occaſiõ a mutiny among the Mariners and paſſengers, and ſo endanger the loſſe both of men and veſſell. Should this man be ſhipt with the Saints, there would bee no peace among them: Beſides ſuch diviſions and contentions would he make, as they would be the leſſe uſeful and ſerviceable in their generation.

[l] A man that leaves a birds neſt ſtanding on a tree, ſhews he is willing to have the old birds thither againe to breed more young ones. It may eaſily be perceiv'd, why he pleads ſo much for old Laws, and to have the neſt of Monarchy to ſtand, hee hath a mind to have the *old bird of Kingſhip* here again. Now judge whether hee be not a *maſter-workman*.

thereby disturb the Family, our manner is to put them forth the door. It is but a Childish noyse, of purpose to disturb the State, which he makes, of *fundamentall standing Lawes, of precious Juries, how Parliaments shall be chosen, and how long they shall sit*, &c. The folly and vanity whereof we have shewed before. So that it is of necessity he should be quieted one way or other, to the end that those who are the Governours of the Family (being freed from such [m] disturbance) may the sooner perfect what is expedient for the Nation, as to the present time.

4. For such as fear God, and love the Commonwealth, they may very well be willing to part with him, considering it is the *other side*, [n] *Buckingham* and that party, with whom in heart, head, and hand he joynes, and whose interest and cause he carries on, and stands for.

The *Philistims* were desirous to have *David* sent away, because they feared when both Armies should engage, he would joyn with their Enemy against them. We have more reason and ground then they had, to beleeve if ever *Charls Stuart* by his Agents here, or friends abroad, should be in a capacity to invade us, he would joyne with him against us. And therefore let all wise men judge whether it be not better and safer to dismisse him before hand, then to put it to a Tryall.

5. Neither is it of small consequence that he hath so many Agents in the Land, who (as he saith himself) are ready to manage all the designes which

[m] In this wee shall follow the Lords counsell, *Isa.* 3. 14. *Take up the stumbling-block out of the way out of my people.* Now though he talk of Reformation, freedom, liberty, yet none a greater let & block in the way then he.

[n] It would make a man smile, to read what hee vapouringly talks of the inward & intimate familiarity betwee *Buckingham* & him, and how many *thousand miles he would run upon his bare feet in his errand, and hee would be bound body for body, so that the Duke might live in* England, *&c.*

It is a trick among Theeves, to put in little Theeves first at some hole or window, to make way, by opening a passage for the greater Thieves to follow. Could *Lilburn* but once creep in, no doubt he would soon make a hole broad enough for his companions, though greater then he, to come in after him.

he

he puts into their hands; he being like the Weather-cock which stands over the *Wind-diall* in *White-Hall*, sets their hands upon the *points of Treason*, according as he turns about. We blame not men for keeping fire and *Gunpowder* apart, and far asunder: much lesse is a State to be disliked, if they keep such at a distance, whose being neer would hazard the blowing up of a whole Common-wealth.

6. We shall propound this as another Consideration, *viz. The dangerous consequence of* [o] *an ill president in a Common-wealth.* In all well governed Republicks, great care hath been taken thereof, insomuch that it hath been receiv'd for *State-Maximes*, *Spes impunitatis magna est peccandi illecebra. Et pœna unius est multorum metus.* Againe, *Bonis nocet, qui malis parcit. Qui punit injustos in alijs fieri injuriam prohibet. Bonorum salutem custodit, qui malos punit.* How [p] sutable these things are to the present subject, we shall leave it to the understanding Reader to judge of.

We shall conclude all, as to Mr. *Lilburn*, in that grave Conclusion of the Senators of *Troy*, when it was objected that she was the wonder of the world for beauty. Αλλαχὴ τοίηπες εὖσα, *Though she be such a one* (say they) *yet for all that rid her hence, rather then to us and our posterity* πημαλίποιτο *she should abide here for a* [q] *snare and destruction.*

[o] Wee would willingly have those men who desire this mans liberty amõg us, to shew us some presidẽt either divine or humane, that any person hath acted as seditiously as *Lilb.* hath done, & yet the State left him in a capacity afterwards to do as bad again if hee would.

[p] When *Sheba* blew a trũpet, and sayd, *We have no part in David, &c every man to his tents O Israel.* If the people thereupon had not followed him, yet was the action in it self *Crimen Læsæ Magist.* We have spoken enough of his frequent blowing the Trumpet of Rebellion, and shall leave it to the judicious Reader to consider.

[q] When the *brazen Serpent* became a *snare*, and an occasion of hurt to the people, *Hezekias* was carefull suddenly to take it away: And the like have all other Ssates done, seasonably removed all snares and dangers out of the way of the people, whether persons or things.

We have a little time left us to ſpend about the *Jury*, who for their carriage both then and ſince, may leave the remembrance of their names to poſterity, as rightly called *r* THE UNREASONABLE UNRIGHTEOUS JURY: *unrighteous* in their verdict, and illegall ſentence; *unreaſonable*, being called before Authority, not to give a reaſon of their action. Now, much we ſhall not ſpeak concerning theſe men, becauſe there is enough in their *Examination* to diſcover the hypocriſie and falſhood of them. They ſay, if a Horſe put his foot where a Wolf hath ſtept before, he becomes lame by it. It was ill for the Jury that they followed *Lilburn*, how they went before we know not, but here they took ſuch an halting as 'tis to be fear'd they will never go upright again: And whether this be not ſo, will appear by their *Examination*, which is as follows.

r Thoſe who ſet on fire the Temple of *Diana* at *Epheſus*, did it (as ſome write) to the end they might have their names and memory continue in ages after. Who knowes but theſe 12 Jurie men, in doing that which was never done before, nor none but themſelves durſt have done. Intended to perpetuate their names by ſuch a notorious actiō: now untill ſome Cavallier cronicle them for it, this mayſerve to keep up the memorie both of their names and action.

THE

THE *EXAMINATION* OF THE JURY

Who Tryed

Liev. Coll. John Lilburn,

At the *Sessions*-House in the *Old Baily*: *Upon* Saturday *the* 20 *of* August, 1653. Taken before the Councell of State the 23d of the same Moneth, in pursuance of an Order of Parliament of the 21.

THomas Greene [r], of *Snow-hill*, *Tallow-Chandler*, [t] Fore-man of the Jury; being askt what the grounds and reasons were that moved him to find the said *Lievt: Col: John Lilburn* not guilty upon the Indictment preferred against him at the *Sessions*-House in the *Old Bailey*, saith, *That he did discharge* [u] *his*

[r] *Lilb.* could not choose but like this man, knowing that he was as ill affected to the present Government as himself. *Simile amicum simile, & simile simile gaudet.* [t] *Querie*, why this man was made foreman of the Jurie; we cannot understand of any reason for it, unlesse it were for being before others in malignity to the State. [u] Where a good conscience in discharging truly a mans duty, there will be boldnesse, and the person is not asham'd nor afraid to give a reason of what he hath done, being called thereunto.

conscience

conſcience in what he then did, and that he will give × *no other Anſwer to any Queſtions which ſhall be askt him upon that matter.*

And being in particular demanded of him, whether he conceived it not ſufficiently proved, that the *Act* whereupon he was Indicted was an *Act of Parliament*, whether he was not ſatisfied that the Copy of the *Act* produced, was a true Copy of the Act it ſelf, or that the *John Lilburn* at the *Barre*, was the *John Lilburn* mentioned in the Act: And what other thing it was which moved the Jury to find as aforeſaid; the *Examinant* anſwered, that *he will give no other anſwer as aboveſaid, and deſired that he might be no further preſt therein.*

And being further aſkt, why he would not give an account of the grounds and reaſons of their Verdict, he ſaid, *He would not doe it for reaſons beſt known to himſelfe.*

× It ſeemes neither he nor Mr. *Lilb.* had any Law to produce, that he was not bound to give the Counſel a reaſon of their proceedings.

MIchael Rayner, *of Friday-ſtreet, Leather-Seller*, he ſaith, that he was one of the Jury that Tryed *Lievt: Col: John Lilburn*, upon *Saterday* the 20 inſtant, and that he was ſummoned to ſerve of the Jury upon *Wedneſday* was ſeven night, and did conſtantly attend in Court, and upon the ſervice, untill the Tryall was over, and that he was [a] not ſollicited by *John Lilburn*, nor any other on his behalf. And the Queſtions mentioned in the foregoing *Examination* being aſkt him, he anſwered, *That he was ſatisfied in the Verdict he gave in that Caſe, and that he ſhould give no other Anſwer thereto.*

And being further preſt therein, he deſired that a dayes time might be given unto him, to [b] conſider of

y It is reported of an old woman, that ſhe would always keep her hād ſhut; Imagining that ſhe had within, the whole world, which would fly out upon the opening of her fiſt. But this man would not open his hand, or rather his head, as if there were any matter in it; but left the emptineſſe & nothingneſſe within ſhould appear.

a If it be a thing which a man likes, & hath a deſire to do, he needs not be ſolicited: he will be forward enough of himſelfe in ſuch a caſe.

b Here that ſaying is true, *Conſcientia mordet, quæ pluris eſt quam mille teſtis: Quæ ſi mala eſt etiam inſolitudine & ſolicita eſt.*

of it, *and he should give satisfaction to the aforesaid Questions.*

He was further askt who advised him to make this answer to the Councell, whereto he answered, *That the Jury were all of that minde, and that they* [c] *agreed to give this answer at a meeting they had all together at the* Windmill *Taverne in Coleman-street this morning; which meeting they had upon occasion of the Order of Parliament for examining this businesse: And that he had notice to come to this meeting by one or two of his partners, whose names* (he saith) *he doth not well know.*

And being further demanded of him, whether Mr. *Scobell Clerke of the Parliament*, did not give evidence that *Lievt: Col: John Lilburn* at the Barre was the very *Lilburn* against whom the Act was made, he said, He did give that evidence, and that he did believe he said true, and that the Copy of the *Act of Parliament* produced, was a true Copy, but saith, *That* [d] *he and the rest of the Jury tooke themselves to be Judges of matter of Law, as well as matter of Fact. Although he confessed that the Bench did say, that they were onely Judges of the Fact.*

He further said, he was very unwilling to be of the Jury.

THomas Tunman, of *Cowe-lane* [e] *Salter*, another of *Lievtenant Col: John Lilburn's* Jury, who saith, that the Verdict was, not guilty: And being askt the Questions in the first *Examination*, he saith, *That he was sworne to finde according to the issue and evidence, and that he did finde according to his* [f] *conscience, and*

[c] Thus one sin draws on another: And when mens consciences begin to smite them for the evill of their doings, they are evermore studious and solicitous, as how to excuse themselves, and to keep shame & punishment off: whereas men doing things justly and honestly are not troubled about devising shifts & put-offs.

[d] Here is something of speciall consideration, seeing the Jury were told by the *Bench*, that they were *Judges onely of the fact*, wherefore they should be so insolent, as to presume to be Judges of matter of law This particular needs to be look'd after, for otherwise it may be exemplary, and so dangerous in a little time.

[e] This man, though he sels salt, yet his words were not seasoned with salt, witnesse his lying here against knowledg and conscience.

posi-

and poſitively refuſed to give any other Anſwer: And did deny that the Jury aforeſaid had agreed together to give one and the ſame Anſwer to the Counſell, or that they had met together this morning, or at any other time ſince Saturday-night laſt, untill they came to the Councell. And being aſkt in particular, whether the ſaid Jury did not meet together this morning at the *Windmill Taverne in Coleman-ſtreet*, [e] he poſitively anſwered *they did not.*

[f] How durſt he ſpeak of conſcience, who at the very ſame time moſt groſſly lies againſt his cõſcience.

[e] When *Anthonie* was fiſhing, there lay one under the water, who ũknown to him, did put fiſh on his hook, the which he threw up, and thought he had catcht them. This man little imagined how the Devill baited his tongue, & put one lye after another into his mouth, which he threw out before the Coũcell. But here wee ſee how God puniſheth ſin with ſin.

Immanuel Hunt of St. Sepulchers, who ſaith he was one of *John Lilburns Jury*, upon his Triall on *Saturday* laſt, and that the Jury found him not guilty; but *his memory being ſhort, doth not well remember the iſſue.*

He being aſkt, whether it was not proved that the Priſoner was the *John Lilburn* mentioned in the Act, ſaith, [h] *He was not ſatisfied that it was ſo proved, and that there are many* John Lilburns, *and that* John Lilburn *was Indicted of Fellony, which he did believe he was not guilty of; and that what was found was done by the conſent of all, and did ſatisfie their* [i] *conſciences therein, and refuſed to give any other Anſwer, then as aforeſaid.*

And it being demanded of him, whether the Jury had not met together, to agree of the Anſwer they were to give to the Councell; he anſwered, *They met together the night of the Tryall, to drink a pint of Wine, and that they met* [k] *not ſince untill this day; and being askt what time of the day, he anſwered, five of them*

[h] How could he be ũſatisfied, ſeeing *Lilburn* had ſworn he was not the man. [i] A man of as much conſcience as the former; wee ſee they were not unequally matcht? for in what do they agree together? [k] It ſeems he brought away in his head the ſigne of the Taverne; for his tongue turns about like a *Wind-mill*, ſaith and unſaith; but we muſt here take notice of the juſt hand of God upon them, who will have their hypocriſie and deceit diſcovered by their own mouths. *met*

met here. But being aſkt particularly whether they met not at the *Windmill Taverne in Coleman-ſtreet* this morning, he did acknowledge they did, and that Mr. *Tunman in particular was there, but refuſed to declare who gave him notice of this meeting.*

[l] How this man ſhould find the Priſoner not guilty, acknowledging ſo much as he doth, is beyond our underſtanding: Poſſibly he did here, like ſome Travellers, who will now and then goe purpoſely out of their way, rather then part company.

James Stephens of the Old Bailey Haberdaſher, who ſaith that he was one of *Lievt: Col: John Lilburns Jury*, and that having conſidered of the matter whereof he was Indicted, they found him not guilty. And being aſked the Queſtions in the firſt *Examination*, [l] *He acknowledged that he was ſatisfied that the Priſoner was the John Lilburn mentioned in the Act: Nor did he yet queſtion the validity of the Act, but the Jury having weighed all which was ſaid, and conceiving themſelves* ([m] *notwithſtanding what was ſaid by the Counceil and Bench to the contrary*) *to be Iudges of Law as well as of the Fact, they found him not guilty.*

[m] It will be much to the ſatisfaction of the Nation, that theſe mē be required to give their Reaſons, wherefore contrary to the Counſell and Bench they peremptorily took it upon them to be Judges of the Law.

He acknowledgeth that all the Jury met this morning at the *Windmill Tavern in Coleman-ſtreet*, to conſider what Anſwer to give to the Councel, and that the [n] *Foreman of the Iury* ſpoke to him to be there, telling him he had heard there was an Order of Parliament for ſummoning them before the Councell; aud further ſaith, *That Tunman was at that meeting.*

[n] *Galaton* paints *Homer* vomiting, and the other Poets licking up what he had vomited. He that would put theſe twelve in a Picture, might doe well to paint them ſo.

Richard Tomlins of St. Sepulchers [o] *Book-binder*, who ſaith he was one of *Lievt: Coll: John Lilburns Iury*, and that the Jury found him not guilty. And being aſkt what was the point in iſſue, *he deſired to be excuſed in that, ſaying, What he can tell is one thing,*

[o] In what Book doth he find it, that a man being warn'd to be of a Jury, before he hears the Caſe, may ſay, *Right ol wrong, he will acquit the Priſoner*: But ſo impudent was he to ſay ſo much before the Tryall of *Lilburn*.

but p *to accuse himself is another thing.* It being further demanded of him, whether he was satisfied that the Prisoner was the *John Lilburn* mentioned in the Act, he said, *he was not:* And being askt what made him think so, *He answered, he was* q *not bound to give any account of what he did in that business, but to God himself.*

p Here is a plain confession of guilt, yet so, as he will not be his own Accuser: This is for the Commonwealth to prove: A thing easie to be done.

q This is a *Maxim* laid down by Tyrants: Onely we never heard so much from the mouth of a subject before But see, what it is to be a Juryman, viz to be above a Parliament, above Law. More then a subject, arbitrary, absolute, not bound to give an account of his actions to any man. The *Roman* freedom was nothing to this for priviledges.

WIlliam Hitchcock *of Watlyn-street, Woollen Draper,* who saith he was of *Lieut: Col: John Lilburns Jury,* and that the Jury found him not guilty: he being askt the Questions expressed in the Foremans Examination, he answered, he had discharged his r conscience in what he had done, and desireth the Councell not to ask him any questions. *For he can give no other Answer, and is* s *resolved to give no other Answer.*

And being askt concerning the meeting of the Jury to agree of an Answer to be given to the Councell: *He first* t *denied that they had any other meeting, then what they had the same night his Tryall was.* But being askt particularly, if they met not at the *Windmill Taverne in Coleman-street this morning,* he acknowledgeth they did, *but denied he heard of any Order of Parliament for sending for the Jury, nor did they*

r *Lex dei est regula conscientiæ,* saith *P. Mart.* loc. com. clas. 2. c 1. Not *Lilburnes* whymsies and falshoods, nor a mans own will and lust. s In reading this mans resolution, it puts us in mind of a company of good fellows, who meeting at a Taverne (as these did) agreed among themselves that they would pay only so much for their reckoning, and resolved to give no more: but they were made to pay a great deale more before they departed: now who knows but it may be so with these resolute men. t It would be worth the knowing what character was given to *Lilburn* concerning these men, as to encourage him to to make choise of them for his Jury: seeing it appears they are such as make no conscience of lying: It is probable he had a hint of some such thing before hand, and thought them the fitter to serve his turn.

meet

meet upon the busineſſe of John Lilburn, *or that they did at the Meeting ſpeake of it, but onely met to drinke a pint of Wine, as they had agreed to doe, the ſame night they gave up their Verdict.*

THomas *Everſhot of Watlin-ſtreet Woollen Draper,* who ſaith he was one of *John Lilburns Jury,* and that they found him not guilty, but *denyed to give any Anſwer to any further Queſtions, ſaying he was* [u] *ſatisfied in his own Conſcience in what he did.* And being aſked, whether the Jury did not meet this morning to agree of an Anſwer to be given to the Councell, [x] *denieth that they did, or that they met at all ſince the night of the Tryall, untill they met at the Councell.*

The perſons following were Examined the 29 of Auguſt, 1653. *in the morning.*

THomas *Smith of Cornhill, Haberdaſher of Small Wares,* he ſaith he was of *Iohn Lilburns Iury,* and found him not guilty, but [y] *refuſeth to Anſwer to any other Queſtions, ſaying, he was call'd to ſerve his Countrey in this particular; and that he had done it* [a] *according to the beſt of his underſtanding; acknowledgeth the meeting of the Iury at the VVindmill Taverne yeſterday morning.*

GIlbert *Gayne of Dunſtans in the weſt, Grocer,* he ſaith he was one of *Iohn Lilburns Iury,* and found him not guilty. And he being aſkt what the iſſue was, he acknowledgeth that he was Indicted for Fellony, for coming into *England*; but ſaith the *Iury did find as they did, becauſe they* [b] *tooke themſelves to*

[u] *Quere,* whether this mās conſcience when he lyed againſt it, was not as well ſatisfied, as whē he found *Lilburn* not guilty.

[x] When there were brought before King *Demetrius* 8 perſons who had conſpird his death, he made it matter of admiration, that ſo many could agree together in a deſign ſo cruel & bloody. It is in truth a wonderfull thing that there ſhould be found in this City 12 Jurymen ſo voyd of conſcience and the feare of God, as to agree together in a thing ſo evill and nought, as Heathens would ſcorne to have done.

[y] But whether the State may not refuſe to reſt ſatisfied in ſuch an Anſwer, that's the Queſtion: we ſhall leave this to Time.

[a] He might have ſaid rather, according to his Ignorance; for had he done the thing wth *underſtanding*, he would not have been either afraid or aſham'd to have given the Councell a reaſon of his action.

[b] So did *Lambert Simenel* take upō him to be *Edward* Earl of *Warwick*, Son & Heir to the Duke of *Clarence*, but he was a counterfeit, & for taking upon him that wch he was not, had his juſt puniſhment in the end.

be Iudges of the Law, as well as of the Fact; and that although the Court did declare, they were Iudges of the Fact onely, yet the Iury were otherwise perswaded from what they heard out of the [i] *Law-Books.* He confesseth he himselfe did at first differ from the rest of the Jury, but was convinc't by their Reasons; he confesseth the meeting of the Jury.

[i] These *Law-Books* will appear to be onely the wind which came from *Lilburn*, which blew their heads too & fro, like weather-cocks.

GRiffeth Owen *of Bishopsgate ward, Brewer*, he acknowledgeth he was of *Liev: Col: Iohn Lilburns Iury*, and that they found him not guilty, becaufe *he was* [d] *not satisfied that the Prisoner was the* John Lilburn *mentioned in the Act; and that he had never seene* John Lilburn *before that day, nor was he sollicited in his behalfe by any person:* He acknowledgeth the Jury met yesterday morning at the *VVindmill* Taverne, *but made no agreement what Answer to make the Councel.*

[d] Howsoever they agreed togive no reason of their action to the Councel: yet on the contrary so much is spoken by them, as doth make it evident they were of *Tomlins* mind, that is, *right or wrong*, resolv'd to quit the Prisoner.

The *Unrighteousnesse* of this *Unreasonable Jury*, is so fully discovered by themselves, as there is no need of adding any thing thereunto. It is reported of the waters of *Nilus*, that having run many hundred miles a pure and clear water, when it comes neer the *Mediterranean Sea* it begins to grow brackish and salt, and at last it falls into the Sea, and looseth its name. We read of many just and honest Juries in the dayes of our fore-fathers: Some hundred yeares agoe, Jury-men made Conscience of what they did, and fear'd an Oath. Now that the same is changed, and the water become bitter and corrupt, what may this presage. If we may freely here deliver our opinion, thus we think. The way of proceeding by twelve men in the Tryall of Malefactors, is neer an end, and shortly to be swallowed up by the Supream Authority of the Nation: So as neither the name nor thing shall be any more in the Common-wealth of *England.*

FINIS.